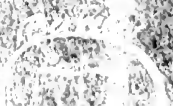
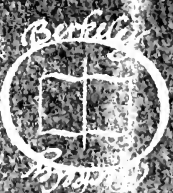
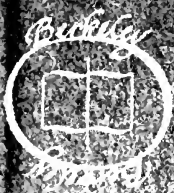
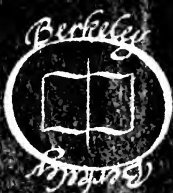
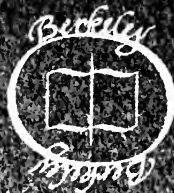
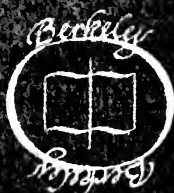
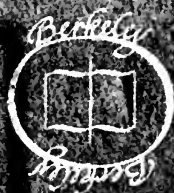


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NOTES  
OF THE  
DEBATES IN THE HOUSE OF LORDS,

OFFICIALLY TAKEN BY  
HENRY ELSING, CLERK OF THE PARLIAMENTS,  
A.D. 1621.

EDITED,  
FROM THE ORIGINAL MS. IN THE POSSESSION OF LIEUTENANT-COLONEL CAREW,  
BY  
SAMUEL RAWSON GARDINER, ESQ.



PRINTED FOR THE CAMDEN SOCIETY.

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FOR THE YEAR 1870-71.

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## PREFACE.

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FOR the publication of the present volume the Society is once more indebted to the kindness of Colonel Carew and the sagacity of the late Mr. Bruce, who detected the value of the MSS. which he was called upon to examine at Crowcombe Court. The result of his inquiry has been given to the world in his preface to the "Treaty of Ripon," the last work which he was ever to do for us. He had expressed to me, when asking me to undertake the preparation of the earlier portion of these notes for the press, his hope that he would himself be able to edit those which related to his own special period, the reign of Charles I., a task which is now likely to fall into other and feebler hands.

Fortunately, however, the notes themselves are valuable enough to stand upon their own merits. The Commons' Journals, as is well known, are, during the early part of the seventeenth century, filled with reports of the speeches delivered in the debates, which, short and unsatisfactory as they are, nevertheless are sufficient to give a tolerable idea of the arguments used by the leading speakers. But with the House of Lords this is not so. The peers allowed, indeed, their Journal Book to tell us what were their official acts, what bills were read, what messages were sent to the Commons, what reports were brought up from Committees. But nothing said by a peer, in his individual capacity, was ever set down. The consequence is, that, whilst the records of the Lower House are to us an Iliad of debate, filled with the characteristic utterances of

the crabbed Coke, the impetuous Phelps, or the cautious Pym, the Lords' Journals are a kind of *Æneid*, where the voice of the Rex Pacificus alone is heard, whilst the "fortisque Gyas, fortisque Cloanthus," the Mandevilles, the Southamptons, and the Says, are tugging at the oar in silence, content to merge their individuality in the common result.

It now appears, however, that the record so jealously excluded from the Journals was kept in a rough and undigested form, for reference by members of the House. These notes, taken down by Henry Elsing, Clerk of the Parliaments, from the mouths of the speakers, give us an insight into the state of parties in the Upper House, and into the character of its leading members, which we have never had before. Of the four volumes originally filled with the debates of the Parliament of 1621, two only, though fortunately the most interesting, have been preserved. The first, containing the sittings previous to the Easter recess, and the third, which reached from the 24th of May to the 4th of June, have not been discovered. But a reference to the Journals is sufficient to show that we have lost little in comparison to that which we have got.

Through the kindness of Elsing's successor, Sir John Lefevre, I have been permitted to examine again the MSS. of the House of Lords. They have been temporarily arranged since I saw them a few years ago, and the result is that many documents then missing have been restored to their places. Amongst these are several papers relating to the gold and silver thread patent, a selection from which will be found in the Appendix to the present volume, and a minute-book, similar in nature, but inferior in execution, to Elsing's notes, and, as it would seem probable from a reference to "my master," drawn up by one of his clerks. Unfortunately, however, it covers

the same ground as the present volume, except that it begins rather earlier. The report of the few days thus added to our knowledge will be found in the Appendix. Amongst other documents preserved in the same repository is the official journal of the Commissioners for gold and silver thread. It is too long to print here, but would be worth examination by any one specially investigating the subject. A few of the shorter papers referring to this subject, together with the Bill against Monopolies, as it appeared before it was thrown out in the House of Lords, have been printed in the Appendix.

Attention will, no doubt, be specially directed to the debates in Bacon's case, the report of which finally disposes of the theory that Bacon's fall was brought about or accelerated by the ill-will of the favourite. For that theory can now only be maintained by those who think that Buckingham was capable of dissimulation, a fault which it is not likely any one will ever lay to his charge. The debates on the Monopoly Patents, and, still more, that on the Monopoly Bill itself, are also of great interest. The deliberate destruction of all evidence of the quarrel between Arundel and Spencer is curious. Precisely the same thing is done in the minute-book of the House of Lords, already referred to, in precisely the same way.

At page 91 the name of the first speaker is given simply as "E." This, I supposed, stood for Earl, fancying that the name had been omitted; I find, however, from the minute-book that the speaker was Essex.

The following extract from the same book will perhaps be acceptable, from the subject to which it relates, though, I fear, it is too condensed to be of much use :—

EXAMINACIONS OF SIR G. HASTINGS, KNT. WITH HIS OWNE HAND.<sup>a</sup>

This poore man Aubrey hee gave me a box and desired me, being as hee said no strainger in his cause,<sup>b</sup> to solissit the Lo[rd] Chauncellor in his behalf, delivered me 100<sup>li</sup>, which I accordingly delivered to his Lo<sup>ps</sup> and the poore man[s] cause goeing otherwise then he expected.

G. Hasting<sup>c</sup> being acquainted 20 years, Egerton delivered to me and S[ir] Geo: Hasting a bage or b—?ge and presented it to his Lo<sup>ps</sup>, wereat his Lo<sup>ps</sup> started and sayed yt was tomuch, perceiving it to be gold by the waight being laid in a chare nnder—?

Beavis Thellwell his deposicon touching the Lo[rd] Chauncellor.

500<sup>li</sup> deliverd, and promised to deliverd to the Lo[rd] Chauncellor 500<sup>li</sup> more.

Sir Wm. Broncker.

That I<sup>d</sup> have not delivered any brybes to my Lo[rd] Chancellor in my cause, neither doe I knowe that any other have done yt, but rather I think that hee hath done me injustice in my cause.

Lo[RD] ADMIRALL. Desire to be informed whether any may bringe informacion not setting his hand thereunto in respect of combynacion?

Christopher Aubrey. Examinacon by Sir R. Crew.

Deliv[ered] 91 peeces to bee deliverd to my Lo[rd] Chaunceller, that the mony being delivered to my Lo[rd] Chauncellor; who sayed to my Lo. Sir Geo: Hastings, who sayd this deponent should have justice.

3 lettres of Chr. Awbrey sent to my Lo[rd] Chauncellor.

1. That 100<sup>li</sup> delivered to Sir G. Hastings, which he sayes was delivered to your Lo<sup>ps</sup>.

2. Earnestly solissiting.

3. Being left 200<sup>li</sup> from my father, having spent the greatest part in lawe, and having children grownd to noe [?] answer, the tyme and place to be at your Lo<sup>ps</sup> appoyntment, they dubling the number[?]

<sup>a</sup> These, however, seem only to be so much as the clerk could catch on hearing them read.

<sup>b</sup> The remainder of this sentence originally stood "The mony being charged with one hundred pounds given him, doubting that that was retayned and not delivered."

<sup>c</sup> This must be the examination of Sir R. Yongg.

<sup>d</sup> I d have, MS.

Raph Meriday.\* Examinacion.

Tooke up 700<sup>li</sup> of severall parties, and being asked why hee tooke up so much mony.

Tristram Woodward his examinacion.

D[elivere]d two hundred pownds to Sir Ed. Young to give.

The remainder of the extract contains no new information, and is therefore not worth printing.

In reading the Debates it will be remembered that Richmond and Cambridge are the English titles by which the Duke of Lennox and the Marquis of Hamilton were respectively known in the House of Lords; that the Lord Treasurer was Mandeville before the summer adjournment, and Cranfield afterwards; that the Lord Admiral was Buckingham; the Lord Chamberlain, Pembroke; the Lord Chief Justice, Ley; and the Lord Keeper (after the summer recess) Bishop Williams.

Wherever the matter in the MS. is identical in substance with that which is already printed in the Lords' Journals, it has been omitted. The omissions are marked by asterisks, or, wherever it seemed worth while to do so, by a reference to the Journals.

\* Merefill, L. J. iii. 79.





# LORDS' DEBATES IN 1621.

MARTIS XVII<sup>mo</sup> DIE APRILIS 1621.<sup>a</sup>

[Message from the King concerning the Lord Chancellor's case. Thanks ordered to be given to His Majesty.—L. J. iii. 75.]

SOUTHAMPTON. Committees appoynted to procede in examination *in causâ Cancellarii*. April 17.

His L<sup>p</sup> examined some such as had formerly ben sworne, and some that were not sworne, wishing them to be careful, for that they must be sworne. Dyvers of them are nowe appoynted to attende to be sworne.

Moved they myght be sworne, and that their Lordships would then be pleased to see what our proceedings have ben, and what examinations we have taken.

L. TREASURER. The Bill against Informers, &c.

L. DURESME. <sup>b</sup>	{	Theis to be first sworne, and the Co-
L. CHAMBERLAIN.		
		mittees to ——

[List of witnesses sworn *in causâ Cancellarii*.—L. J. iii. 75.]

ARUNDELL. The Bill, first buissines in order.

Sir Giles M[ompesson] proceeded against.

Fowles and Michaell to be now proceeded against.<sup>c</sup> The Co- Agreed.  
mittees to prepare the examination *contra* [?] *Cancellarium*.

[Protest by Buckingham that he had not sent Sir E. Villiers abroad, but was anxious for his accusation to be answered.—L. J. iii. 76.]

<sup>a</sup> The first sitting after the Easter recess.

<sup>b</sup> *i. e.* the Bishop of Durham.

<sup>c</sup> For their part in the patents for Gold and Silver Thread.

April 17.

Agreed  
he may goe.

ARUNDELL. *Ad idem, pro expedicione.*

RICHMOND. *Ad idem*; and that he may goe to the Lower House, for noe materiall matter objected against him.

L. CHAMBERLAIN. *Ad idem*, and the Comittees to prepare the examination and proofs.

SOUTHAMPTON. We cannott clere him. I hoape he is. He may goe to the Lower House, but that noe argument for his cleering.

ARUNDELL. The extractes of our examinacion to be delivered.

L. ADMYRALL. Desyres his brother may come to his accusacion, for so he shall have the greatest honour; for he doubtet not but to cleere himselfe. Desyres nothings in favour of his cleering.

L. ARUNDELL. The Comittees to proceede touching him only by extractinge what concernes him only.

SUFFOLK. To attende what the Lower House wyll doe.

NORTHE. *E contra*, untill further matter of accusacion appear against him. Agreed with Arundell,<sup>a</sup> but with what parte to begyn? To begyn with them that executed the warrants, whoe must alledge those that sett them on worke.

Agreede.

SOUTHAMPTON. To seconde his former mocion, proposeth—Noe direct accusacion:<sup>b</sup> but a party interessed. He urged Yelverton to comytt; he rydd to the L. Chancellor; he threatned; he may cleere himselfe, and he doubte[s] not. Fowles and Michaell and Yelverton to take theire oathes here, and to be questioned concerning him.

L. ADMYRALL. Lykes well the mocion of Southampton.

DURESME. Viliers not complayned of, his name is *obiter*. To cleere him. He remembred the proceeding to cleere Bridges and Thorbarne.<sup>c</sup> Moved Sir Ed. V. to present himselfe to examinacion.

A. CANTERBURY. We neither acquitt nor condemn him, but leave him to a tryall. He may goe to the House of the Comons. Oathes of any, as Admyrall, to accuse him, &c.

<sup>a</sup> *i. e.* That Fowles and Michell be now proceeded against. p. 1.

<sup>b</sup> *i. e.* Against Sir E. Villiers.

<sup>c</sup> For their part in the execution of the patent for Inns.—L. J. iii. 62.

April 17.

WENTWORTH. A tyme to be appoynted for their examinacion. Agreed to be sworne here to morrowe.

SUFFOLK. Howe Yelverton may be here, beinge the King's prisoner in the Tower? *Modus*: A warrant from the House.

SHEFFIELD. To see the precedents of our ancestors, and not to make newe orders.

L. CH. JUSTICE. A specyall warrant to the Lieutennant of the Tower to brynge Sir H. Yelverton and Michael before your LL. to-morrowe morning, and Fowles allso to be sent for.

WENTWORTH.

ARUNDELL. The Lower House hathe gyven us leave to sende for Michael and examyne him, &c.; *vide antea*.

SUFFOLKE. The Judges to gyve their opynion.

SHEFFIELD. To examine them.

[Bill against Informers read a second time and committed.—L. J. iii. 75.]

HUNTINGDON. The Bill of Supersedeas to be remembred.

[Dyke appears, and is ordered to attend *de die in diem*.]

A. CANTERBURY. Bill [of] Ordinance to be revyved.

DURESME. Bill [of] Transport to be re[vyved].

The Comittees on the Bill of Ordinance to meete on Thursday next in the Painted Chamber, at 2.

The Comittees on the Bill against Transport of bullion or money to meete on Tuesday next at 2, in the Painted Chamber.

The Bill for Sabaoth and the Bill of Supersedeas, to Fryday at 2, in the Paynted Chamber.

[Thomas Norton and Jervis Unwoon ordered to appear *de die in diem*.]

ARUNDELL. The Warrant to be signed *per le* L. Ch. Justice for Yelverton, and Michael to be here to morrowe mourninge by 9, and extractes of the examinacion of Fowles and Michael to be made. None to be examined particulerly touching Sir Ed. Villiers, unlesse by other incident, for that there is noe charge against him.

Ordered.

PRINCE. *Ad idem*.

April 17. CAMBRIDGE. Comende Admirall's mocion, &c. A person not accused not to be examined untill he be accused incidently by some other.

L. TREASURER. Leave yt as yt is untill an accuser appeare.

SHEFFIELD.

Adjourned untill to morrowe by 9.

Perused by  
Comitem  
Hunt. Epis-  
copum Bath.  
Dominum  
Hunsdon.

MERCURIJ, 18 APRILIS, 1621.

April 18.

[Message from the King, ordering the House to wait upon him on Friday.—L. J. iii. 77.]

ARUNDELL. The King's learned Councell to viewe matters offered to the house, whether worthy to be handled here or noe.

His L<sup>p</sup> moved to sett downe a forme howe to proccede against the other delinquents (in the grievauces complained against Mompesson and others) whether against them absent, or whether to heare them with their Councell at barr.

L. CHAMBERLAIN. The House to be adjourned as a Committee *ad libitum*, prout this may be discussed and ordered.

*Et adjornatur ad libitum.*

The house is a  
Committee.

ARUNDELL. The delinquents to be called (*vivâ voce*) to here the particular charges against them, and to make their answer without councell.

ADMYRALL.

ARUNDELL. Colleccions are made of the deposicions.

L. TREASURER. The King's Councell to extracte the charge against every one.

ARUNDELL. Yf you begyn with Fowles, then J. Herne<sup>a</sup> to be called in.

DURESME. The briefe to be reade first.

Agreed to begynn with Sir Henry Yelverton, Mr. Sergeant Crewe, J. Herne.

<sup>a</sup> He is on Mr. Foss's list of counsel in the next reign; but appears from this to have practised in James's reign.

MR. SERGEANT CREWE. That the colleccions are made soe well as the streightnes of the tyme woulde permitte. April 18.

1. The poincte of the charge against Sir H. Yelverton, for committing without authoritye, for not entring into bonds.

2. The warrants dormants for ymprisonment, breaking up the howse, and seisures, unlawfull.

3. The two proclamacions came after the committment and King's enlargement.

A docquett tendred to the King, that he had advysed with the Recorder, which he had not don, and yett theruppon the sayd proclamacion was obteyned.

ARUNDELL. That Sir H. Yelverton first signed theis warrant dormants.

That Sir H. Yelverton acknowledged to the Commons that the patent of gold, &c. was a monopoly, and therefore he advysed yt to be taken into the King's hands and to proceed by way of contract with the King by indenture.

HUNSDON. That Yelverton brought many quo warrantos against the subjects in the patent of Inns.

ARUNDELL. A colleccion against Yelverton of all matters concerning him.

MR. ATTORNEY. He conceived noe charge against Yelverton for theis 3201 quo warrantos.

ARUNDELL. Yf in exam[ining] the charge gyven by the Lower House, any indecent matter may be examined and the party charged by us with yt.

L. TREASURER. The wrytt of quo warranto yssues from other officer: the attorney proceeding uppon yt not to be questioned.

L. CHAMBERLAIN. The attorney to be admonished of yt, for he erred in his discrecion.

NORTH. With what patent to begynn?

ARUNDELL. Some poynts observed in the warrant dormants not warrantable.

CREWE shewed howe the patents were passed as Yelverton stands

April 18. charged by the Commons, and reade parte of the declaracion by the Commons touching gold and sylver thrydd.

HUNTINGDON. That there be dyvers blankes in the patents. Moved they may be viewed.

The patents of gold and sylver thrydd were viewed, and noe blankes.

THE L. CH. JUSTICE returned to the seate.

L. CH. JUSTICE. Sir H. Yelverton ; you are charged with many misdemeanors complayned by the Commons, the chiefest touching gold and sylver thrydd, the particulers shalbe opened unto you and your answeare expected.

Withdrawen for a tyme.

Enter yt. The Clerke dyd sodeynly sett downe a brieft of the charge and gave yt the L. Ch. Justice.

The brieft agreed uppon, and reade before Sir H. Yelverton was called in agayne.

[Charges against Yelverton, with his answers.—L. J. iii. 77.]

L. CHAMBERLAIN. To expedite the buissines touching the L. Chancellor that the Committees may be ordered to delyver theire examinacions and proceedings, and all other judicall proceeding to be stayed in the meane tyme.

SOUTHAMPTON. Their proofes to be viewed and consydered whether sufficient founde or not ?

Agreed. Delyver them to morrowe.

ARUNDELL. *Ad idem*, and a brieft to be made of the charge and proofe.

HUNTINGDON. *Ad idem*.

DURESME. The Clerke to delyver the examinacion taken in Courte.

SOUTHAMPTON. To have two examined.

Tyme for Sir H. Yelverton.

Per Comitum  
Dorsett. Epis-  
copum Dunelm.  
Dominum  
Wentworth.

[Yelverton's examination. Examinations in the Lord Chancellor's case to be produced to-morrow.—L. J. iii. 78.]

JOVIS XIX<sup>mo</sup> APRILIS, 1621.

[Report of the Committee on the Bill against Informers, recommending a conference with the Lower House.—L. J. iii. 79.]

ARUNDELL. *Ad idem*, and the Committees for Ordinance which April 19.  
which are to meete this afternoone to be putt of to another tyme,  
for that conference is prayed with the Commons.

ADMYRALL. That to be first reade heare which is considerable  
of.

MR. ATTORNEY opened the doubtes and excepcions against  
that Bill. His first excepcion to the body of the Bill. Yt is to  
generall in theis wordes, "All offences against any Penall Lawes,"  
whereby treasons, felonyes, and premunire are to be tryed before  
the Justices of Peace, and yt ympeacheth the jurisdiccion of the  
Kinges Bench in poynt of lyfe, and the Starr chamber touching  
forgeryes and other matters tryable there.

3. Yf an offender against any penall lawe fly out of the county,  
and cannot be founde in the county where the acte was done, he is  
not to be touched.

4. Some offences are in two countyes, as buying in one county  
and selling in another, which nowe by this shalbe tryed but in one  
county.

5. Noe savinge to the Kinge, nor to the Kinges attourney, yt  
being ympossible for the Kinge's attourney to goe and prosecute  
in the county. Neither is yt fytt for him to take the oathe that the  
facte is committed in the county where the informacion is layed.

6. None can sue his owne accion for wrong donne to himselfe  
uppon any penall lawes, which he hathe freedom to doe in West-  
minster, but he must doe yt in the county.

7. The inconvenience of such parties, that they cannot make  
attourneys in such suyt.

8. Noe lybertyes either of the Palatine, Cinque Portes, &c.  
saved.

April 19.

9. The oathe inconvenyent; for then none can enfourme but the eye-wytnesse.

10. In the Comissions of the Peace a clause is: not to procede in causes<sup>a</sup> difficult without the advyse of some of the Judges or Justices of the Assise. This makes the Justice of Peace absolute.

11. The statute 11 Hen. VII. being not of soe much power for the Justice of Peace as this, was so greivous that the same is repealed, anno 1 Hen. VIII.

A message to the Lower House by Mr. Sergeant Hittcham and Sir W. Birde.

L. SHEFFIELD. The objecccions seme ymportunat. Such correspondency with<sup>b</sup>—To sende downe a briefe of the particular objections unto the Lower House.

ARUNDELL. He doubtys yt wyll not stande with the orders of the House to sende a particular of the objecccions, only to crave a free conference, and that the same committees may meete which handled the same bill in their house, and to have power to argue and dispute.

L. TREASURER. *Ad idem.* For a free conference only.

Not agreed.

L. NORTH. To desyre conference also for the bill of the Saboth, and the bill against Supersedeas.

[Message to the Lower House during a conference on the Bill against Informers, with answer in the affirmative.—L. J. iii. 79.]

L. TREASURER to open the doubts and excepcions; Mr. Attourney to gyve his Lp. the hedd therof.

1. ARUNDELL. That they examined<sup>c</sup> touching the L. Chauncellor, and delivered the examinacions.

2. HUNTINGDON delyvered the examinacions taken by him, and a briefe of them.

3. SOUTHAMPTON. That he examined many. He delivered the examinacions to Mr. Attourney.

<sup>a</sup> clauses in *MS.*

<sup>b</sup> Apparently this means "seeing that we have such correspondency with the Commons."

<sup>c</sup> Blank left for the names.



MR. BARON DENHAM reade the examinacions taken by the Erle of Arundell, viz.:

April 19.

1. The deposicions of Sir George Hastings, knt. wrytten with his owne hande, touchinge £100 gyven by Awbrey unto the L. Chauncellor and his deposicions touchinge £400 gyven by Mr. Ed. Egerton to the L. Chauncellor.

2. The deposicions of Sir Rich. Younge touchinge £400 gyven by Mr. Ed. Egerton to the L. Chauncellor.

3. The deposicions of Bevys Thelwell touchinge [500 li.]<sup>a</sup> gyven by [Mr. Egerton]<sup>a</sup> to the L. Chauncelor, and [600 li. or 700 li.]<sup>b</sup> gyven by the L. Viscount Mountague to the L. Chauncellor; and his deposicions touchinge [100 li.]<sup>c</sup> by one Anslowe to the L. Chauncellor, and of 200 li.<sup>b</sup> gyven by Mr. Dunch to the L. Chauncellor.

4. The deposicion of Sir Wm. Bronker.

ADMYRALL. Moved to consider of theis examinacions bycause they be wrytten by the parties themselves, soe that they myghte combyne.

ARUNDELL. They dyd carefull interrogate the parties, and wyllled them to sett them downe with their owne hands in our presence, and they agreed with the particulers they confessed uppon their examinacions before us, and they being bothe reade unto them before us, they agreed.

A. CANTERBURY. } Good.  
DURESME. }

[List of examinations.—L. J. iii. 80.]

THE ERLE OF SOUTHAMPTON. We herde publicly that the L. Chancellor, having ordered matters in Courte, dyd afterwards alter them uppon petitions. Wherefore we sent to the Registers, to knowe this: whoe have founde out some and wyll serch for more, which wyll requyre tyme, &c.

<sup>a</sup> Blank filled up from L. J. iii. 85.

<sup>b</sup> Blank filled up from L. J. iii. 86.

<sup>c</sup> Blank filled up from p. 17.

April 19. The clerke reade the examinacions taken in Courte, viz. :—  
The examinacion of—

Agreed. L. CHAMBERLAIN. The three Comittees together to drawe up the hedds of theis examinacions, for that they were taken by them severally, and the examinacions taken by the one speake of the same things taken by the other.

*Ergo.* That they may all meete and make one briefe of them all in one.

SOUTHAMPTON. The King's Councell to attende the Comittees when they meet.

The Comittees against transportacion of Ordinaunce to meete on Thurseday next in the Painted Chamber at 2 in the afternoone.

Agreed. L. SAYE. The three Comittees, *in causâ Cancellarij* to receive complaintes and to contynewe the takinge of examinacions.

ARUNDELL. But noe proceeding theruppon until the House shall first order yt.

[Comittees appointed.— L. J. iii. 80.]

Question. Whether the Courte shalbe adjourned to Satterday, or not untill Tuesdaye.

L. CHAMBERLAIN and ARUNDELL counted—29 Contents. Not Contents, 34.

Adjourned untill Tuesdaye nexte at 9 in the mourning.

Perused by  
Comitem War-  
wicke. Domi-  
num North.  
Dominum Rus-  
sell. Dominum  
Say.

---

TUESDAY, 24 APRILIS, 1621.

April 24. Delyvered to Sir Wylliam Birde the Bill of the Sabaoth.

Received from Mr. Baron Denham the examinacions taken before the Earl of Arundell, *in causâ domini Cancellarij*.

[List of examinations, corresponding with those read by Denham and Crewe on the 19th, with the addition of an "Order in Cane. inter Bronker mil. et Awbrey deft."— L. J. iii. 79.]

\* \* \* \* \*

Received from Mr. Attourney the Bill against transport of golde and sylver, &c. April 24.

STAFFORD. May yt please your LL. to meete the King at the water syde, for yt is the auneyent order. "*Ad quod non fuit responsum.*"

The LL. syttinge in their roabes expecting the King cominge, and the L. Ch. Justice in the place of the L. Chauncellor, the Prynce came and wente into his retyringe roomes, and having putt on his roabes went and mett the King.

The Kinges Majestie came.

Oxon. *Camerarius Anglie.* Essex bare the sworde. The LL. first stood.

[The King's Speech.—L. J. iii. 81.]

The Kinge arose, and at his going away, sayd —

The Prynce and  
Lords wer bare  
heded all.

[Message from the Commons Bills sent up. Re-conference demanded touching the Bill of Informers. Conference demanded on the case of Sir J. Bennett.—L. J. iii. 82.]

SHEFFIELD. At the last conference about the Bill of Informers they agreed that the Bill shoulde be argued by some lawyers of that House.

[The messengers of the Commons are told that an answer will be sent.—L. J. iii. 82.]

L. TREASURER reported the conference with the Lower House touching the Bill against Informers. Dyvers excepcions taken to the Bill. Power gyven to the Justices of Peace to determyne all treasons, felonies, and premunire, per statute lawe. The attourneyes power abridged and noe liberty preserved, &c.

Reporte.

This being opened, the Comons dyd expect the Kinges Councell woulde except to this Bill. Their eyes were fixed on the Kinges Bench, Comon Pleas, and Exchequer, where the enfourmers were. They would consent to any thing to be altered to. They thought a fewe words added would amende all, whereas, &c.—

All the LL.  
Committees  
stood during the  
Report, and the  
attendant stood  
also.

Vide antea.

For remedy whereof, &c.—

This cannot be applyed (as they conceave) but to enfourmers which call men to Westminster to answer penall offences.

April 24. The Prynce then moved a proviso to be added, what——

HIS HIGHNES remembers that they desyred then to have noe repleye.

ARUNDELL. A message to them that we are wylling to gyve them meeting either with the wholl comitte, or a selecte comitte of four of ours, and eight of theirs, and the Kings Councell to attende.

SOUTHAMPTON. To expedyt the cause of the L. Chauncellor dependinge.

Agreed. SUFFOLK. Buissines comes fast on us, and we are much streitned. Move, the House to sytt in the afternoone.

SUFFOLK. Then to consider what to dispatch this afternoone and to resolve on yt. His opynion, the L. Chancellor's buissines to have precedency. We shalbe hardly able to goe thorow with the b[usiness] of the L. Chauncellor, yf we here both the conferences propounded by the Commons. To meet first and settle that of the L. Chancellor before any conference.

ARUNDELL. The conference to morrowe in the afternoone.

RICHMOND.

Denied. SPENCER. To sytt here to morrowe, notwithstandinge yt be Starr-chamber day.

L. TREASURER. To handle this daye and to morrowe in the afternoone the conference with the Commons.

SAY. *Idem* with Spencer, least yt be brought into a custome that we cannott sytt here, unlesse the LL. that are necessary to be at the Starchamber be here allso.

A. CANTERBURY. *Ad idem* with Lord Treasurer.

SHEFFIELDE. Inconvenient to sytt on Starchamber dayes, for that, &c.

SOUTHAMPTON. Not to sytt to morrow being Starr chamber, for that a greate cause is in the hearinge, but to sytt uppon some other Starr chamber day, to the ende yt may<sup>a</sup> not be a custome that this House cannott sytt on a Starchamber day.

<sup>a</sup> May be not be in MS.

Uppon a mocion made this daye unto the House that there was a greate cause in the middest of hearinge in the Starr chamber to morrow morning, the LL. were contented not to sytt the next mournyng, provyded that yt be not drawn into any president, as if this supream Courte wear to attend any other inferior courte.

April 24.

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DIE MARTIS, 24 APRILIS, 1621, POST MERIDIEM.

MR. MAXWELL delivered me from the L. Chamberlain a Bill for the naturalizacion of Sir Wylliam Anstruther, Knt., &c., and others.

L. CHAMBERLAIN putt the L.L. in mynde of the conference, that the L.L. Committees may mak reporte touchinge the L. Chancellor.

PRYNCE. The L. Chancellor hathe sent me his submission, which his Highness delivered to the L. Ch. Justice, and he to the clerke, whoe reade the same, and then delivered yt to the L. Ch. Justice, whoe allso reade the same.<sup>a</sup>

Noe Lord spake to yt, after yt was reade, for a longe tyme.

L. CHAMBERLAIN. The questyon is the consideracion whether this submission be sufficient to ground your Lordships' judgement for a censure without further examination.

SHEFFIELDE. The House to be a Comittee to take consideracion therof.

*Adjournatur ad libitum* untill yt shalbe resumed. The wholl House beinge a Comittee.

SUFFOLK. Yt is nowe 3, and 4 the tyme of conference is at hande, therefore to begyn to consider of this.

WENTWORTH. Whether your Lordships will allowe of this submission.

L. CHAMBERLAIN. First to heare the charge, then the submission and confession.

<sup>a</sup> The submission is printed in L. J. iii. 84.

April 24.

MR. ATTORNEY reade the colleccion of the examination and the proofes of the corrupcion.

SAYE. Yf this submission intend a connivence, yt had ben well in the begynninge, but coming nowe after the examinations and proofes yt comes to late. Neither is yt sufficient to grounde our sentence. Moved to proceed.

SOUTHAMPTON. Yf yt be a confession of corrupcion, good to ground our sentence; yf yt be, then whether a satisfaccion.<sup>a</sup>

SUFFOLK. The confession not sufficient, for he desyres to be a judge, to loose his Seale, and that to be the sentence; wherefore yt is far shorte of that we expecte.

L. CHAMBERLAIN. To reade the confession by ytselſe.

MR. ATTORNEY reade the colleccion of the corrupcion wherewith the L. Chancellor was charged, viz., twenty-three severall corrupcions proved by wytnesses.

Then MR. ATTORNEY reade the confession of the L. Chancellor, begynninge, "It resteth therefore," &c. *quousque* "submytt myselſe wholly to your piety and grace."

L. CHAMBERLAIN. Yt is not sufficient; for the confession is grounded uppon a rumor. Moved that the hedd[s] be drawn out and sent to the L. Chancellor.

SPENCER. That he come hether, *ore tenus*, and make his owne answere.

L. ADMYRALL. Parte of his confession is out of his particuler knowledge.

L. CHAMBERLAIN. He neither speaks of the particuler charge, nor confesseth any thing particuler.

SHEFFIELD. That he may have his full charge, and to make his answere more fully.

STAFFORD. Lykes of my Lord Spencer's mocion that he be called hither to answere.

SOUTHAMPTON. Corrupcion charged with firste here by the

<sup>a</sup> *M.S.* satitiffaction.

April 24.

Commons, and noe worde of confession of any corrupcion in the L. Chancellor's submission. Yt standes with the justice and honor of this House not to proceede without the parties particuler confession, or to have the parties to heare the charge, and we to heare the parties answere.

RICHMOND. To sende the charge to the L. Chancellor, and to have his Lordship's answere.

L. CHAMBERLAIN. Moved whether this confession be full enough or noe. Per omnes, no full confession.

Agreed, not full enough.

L. TREASURER. The 1 question, whether this confession be full. Yt is not full, though ingenuous; the 2, whether we shoulde expecte a literall acknowledgment of the charge, or to hear a personall confession of the same. Moved to sende the charge to his Lordship. Agreed, Noe.

HUNTINGDON. The L. Chancellor to be sent for to the barr, and to be charged here, &c.

L. ADMYRALL. I see a comiseracion of a condemned man in the L. Chancellor's confession. He desyred a charitable expocision of yt thus farr.

Attribute theis thinges to the corrupcion of the tymes in respecte of the quality of the person. In the generall, though not in the particuler, he hathe condemned himselfe. My request is that he may first (before he be sent for to come hither) be sent to make a full acknowledgment.

ARUNDELL. The confession is not sufficient for the reason per L. Chamberlain. He wysbeth he may have the particulers of his charge, and to leave yt to him to make a full answere, for he cannot come now, &c.

L. CHAMBERLAIN. Shall the Greate Seale come to the barr? First sende to him and heare his answere, before he be sent for to come to the barr.

SOUTHAMPTON. The charg to be sent him without any perswasion for him to confesse, and then, yf he confesse, we may ground our sentence. A question whether the charge shalbe sent unto him,

April 24. or be sent for to come hether to make his answer here at the barre.

SUFFOLK. That he take the charge here at the barre.

L. CHAMBERLAIN. The L. Chancellor is not expected to make a suddayne answer, yf he appere here.

PRYNCE. Whether shall we be mercifull, and have respect to his place, or be just and vigorous?

PAGETT.

I coulde not  
heare him.

SOUTHAMPTON. I wyll deale with the L. Chancellor as with my best friend, I wyll not seeke to circumvent him. The truthe is our only ayme is that the truthe may appere. The L. Chancellor is accused to be a corrupt judge. I'll deny the delinquent nothing without which he may pretende he cannot cleere himselfe. Sende yt to him presently.

SUFFOLK. Is directly against yt.

RICHMOND. You promised to gyve him sufficient tyme uppon his letter.

SUFFOLK. I wyll deny him noe favour, but the honor of the house I regarde. Lett him receave the charge here, which is the honor of the House.

SAY. Tyme to aunswere wyll not be the question, but whether he shall receave the charge here at the barr, or be sente him. Why any difference in this High Court betwene Sir H. Yelverton and the L. Chancellor? De la Pole being Chancellor came to the House to answer. Move the King to sequestre the Scale.

L. CHAMBERLAIN. He is only accused, not condemned. Therefore the King not to be moved therin, nor the Speaker of this House to come to the barr with the seale.

SUFFOLK, with Say.

ARUNDELL. Not to come to the barr to receave the charge.

L. ADMYRALL. Send yt to him.

PRYNCE. The question whether any respect be to be had to his person or noe.

NORTH. Whether yt be the forme of this Courte to sende for the partie accused to heare the charge at the barre or noe?



SOUTHAMPTON. Shewed howe the Lower House proceeded against Sir J. Bennett particularly.

April 24.

DURESME. He affects the L. Chancellor's person, and honors his partes, whose aunte the La. Mildrede<sup>a</sup> was his maker. I consider the letter, whereby he seemed to have hoape to purge himselfe. The accusation. The submission, which is shorte: a fuller to be made; yf fuller, then ——. Respect to his person and place he holdes.

L. Ch. J.  
returned.

WALLINGFORDE. Confessed his absence. He hath herde the charg and submission, which is too shorte; and he lymitts his punishment by us, and he ymputes all to *vitia temporis non hominis*. That he may come hither to the barr to his answeare. Comends his person, and respect to that. But we entending a reformation, the opener yt is the better. But howe he may come to the barr with the Seales? For the honor of the House, he ought to come to the House and receave yt here.

Question. Whether the charge shalbe sent to the L. Chancellor, or the L. Chancellor come to the barr to heare yt?

L. CH. JUSTICE. Such of the LL. as are of opynion that the charge shall be sent to the L. Chancellor, say—Content. Such as wyll have his Lordship come hether to heare the charg, saye —Not content.

Agreed, the charge to be sente to his Lordship.

L. CHAMBERLAIN moved,—Whoe shall goe with the charge?

SOUTHAMPTON. The omissions to be nowe added.

DURESME. 52<sup>li</sup> bason and ewer per Ed. Egerton, and 100<sup>li</sup> from Anslowe.

Gyven gratis.  
N.B. Thelwell  
knowes not  
when this was  
certainly  
gyven.<sup>b</sup>

Mr. Attourney read the hedds of the colleccions, where the proofes were not sett downe. And the same were sent to the L. Chancellor by Mr. Baron Denham and Mr. Attourney-Generall, with this message:—This confession is not full; 1, for that yt confesseth not any particuler corrupcion wherewith he is charged; 2, nor sheweth how

<sup>a</sup> Second wife of Lord Treasurer Burghley.

<sup>b</sup> This charge seems to have been dropped, probably in consequence of this uncertainty.

April 24. his Lordship herde of the charge ; 3. and the confession (such as yt ys) is afterwards extenuated in the same submission, and therefore they have sent him a particuler of the charge; and the LL. expecte his answeare with all conveyent expedicion.

Adjourned till 2 tomorrow in the afternoone.

DIE MERCURII, XXV<sup>to</sup> APRILIS 1621, POST MERIDIEM.

\* \* \* \*

[Reporte by Baron Denham and the Attorney-General of their interview with the L. Chancellor.—L. J. iii. 86.]

April 25. A letter, directed by the L. Chancellor, unto Sir James Ley, Knt., L. Ch. Justice of the King's Bench, and supplyinge the place of the L. Chancellor in Parlement by Comission.

The L. Ch. Justice shewed the letter unto the Prynce, whoe opened the same, and the Ch. Justice acquainted the House therewith.

Yt was much debated whether yt shoulde be reade or noe.

Agreed not to be reade, but the L. Ch. Justice to open the substaunce therof.

1. To postill all the matters of charge in the margent therof in wryghting.

2. To have Satterday come sennight, for that the same tyme was gyven to another (Yelverton).

SHEFFIELD and others. Noe noatice to be taken of yt.

Agreed.

The L. Ch. Justice to answeare yt by him selfe as a pryvate man, yf he wyll.

Agreed. The House to take noe noatice of that letter to the L. Ch. Justice, bycause yt was not directed to the House.

April 25.

Reporte of the Conference with the Comons yesterdaye touching Sir John Bennett by the L. Treasurer. At the conference the noble gentleman (their first speaker) presented a complaint against a great judge, Sir John Bennett, Judge of the Prerogative Courte, that being appoynted by the lawe what to doe and what to take, he dyd both contrary to the lawe, and tooke such greate —

1. Hollman. 2. Nest. 3. Broade. 4. Lee. 5. Moore. 6. Deane. And that many more woulde be complayned of to the LL.

He was Judge in fyve Courtes of much truste, wherin he was very corrupt; extorting extreame greate ffees, and much bribery. Enter thus  
farr.

Three desyres:—

1. A lawe against such abuses.
  2. This abusing man to receave punishment.
  3. The wronged to receave satisfaccion out of his estate.
- They presente him with theis cawses unto your LL.

The other speaker whose stoare cann never be exhawsted,<sup>a</sup> offred presidents in this case. To introduce the buissnes, he enlarged him selfe; shewing howe grievous to the comon welth a bribing Judge is. Against the buying and selling of places daungerous to the comon welthe. Dyvers lawes against them. E. 3. Against inferiour officers. E. 6. Against greater. He shewed dyvers presidents. Before the Conquest.

The Canon against a Judge buying his place, and three Judges hanged for bribery. Temp. E. 1, all the Judges of bothe benches questioned for bribery, save Mettingham and Brent.

E. 3. Thorpe, Ch. Justice, accused of 80<sup>li</sup> bribery. Indicted of felony (*sacrament. Regis violavit quatenus in ipso fuit*). R. 2. Dux Suffolc brybery amongst other things. H. 4.

The Remedy. Thorp appealed to the Parlement. *Les grandes herde* yt and censured him. Instaunced the power of the Judicature of Parlements. All the Courts subordinate to the Parlement. Bracton. *Concilium maximum*. Breton, etc. And dyvers other presidents alledged of the great power of the Court of Parlement.

<sup>a</sup> Coke.

Ap il 25.

Conclusion. The LL. to take. The partie to be punished. The oppressed to be relieved.

The petition of Sir John Bennett read; to have the freedome of his owne howse, uppon good securitye gyven.

Ordered, *vide postea*.

SAY. I moved first that the L. Chancellor be brought to the barre. Alledged a president of De la Pole brought to the barre, not being allowed to answer per another.

ARUNDELL. The L. Chancellor hath yett made noe answer; we may hereafter resolve to take his answer here, yf we see cause.

Enter this.

SOUTHAMPTON. The question is only how the charge shoulde be delivered, and of coming to the barre to make his aunswere. The aunswere returned is, that he wyll retourne aunswere with all speed. Yf we accept of this, we conclude ourselves. My voyce is, to receave noe aunswere from him but from his owne mouthe. Lett him knowe that we misslyke his answer, that he wyll retourne his aunswere unto us.

L. CHAMBERLAIN. That he is tender herin. The case of De la Pole accused of high treason.

Denied by dyvers LL. Accused for delyvering over the townes.

SPENCER. That the L. Chancellor may not holde the Seales.

CAREWE. De la Pole was not accused for treason, but for exchanging of lands with the King to his owne advauncement and to the Kinge's detriment.

SUFFOLK. To retourne. What other aunswere to sende to the L. Chancellor?

ARUNDELL. To expecte what the L. Chancellor wyll doe. The King wyll come, &c. and take the Seales.

Adjourned, *ad libitum*.

SHEFFIELD. The aunswere expected from the L. Chancellor is touching his confession, which was not full, but not touching the matters wherewith he is charged.

BRIDGEWATER. *Ad idem.*

L. CHAMBERLAIN and RICHMOND. Yf he make defense, then to come to the barre, but not with the Seale ; but leave the taking of the Seale from him till he King come.

Denied.

A. CANTERBURY. *Ad idem* with Richmond touching the King coming ; but conceaves the L. Chancellor wyll make noe aunswere but by wrighting. The letter to the L. Ch. Justice not to be considered. Yett we may informe ourselves of the L. Chancellor's meaning by that letter.

L. TREASURER. Confession or defense ? Choyce gyven to the L. Chancellor by the message yesterdaye. Yf confession, then to accept yt, and censure theruppon ; yf defence, then the partie to be here personally or by his counceill.

Message nowe, an aunswere with conveyent speed, either by confession or defense here at the barre.

DENNEY. A Committee to move the King to sequestre the Seale.

ARUNDELL. Excepcion, retourne aunswere. Yf he wyll make an ingenuous confession, we expecte not a particuler, but a generall.

L. CHAMBERLAIN. That the——

A messenger to be sent presently to him to knowe whether he wyll confesse or make a defense.

STAFFORDE with Denney.

SAY. He myght have made a full submission before, yf he woulde. He lykes not of a generall confession. His Majesty to be enfourmed that there is just grounde for his Majesty to sequestre the Seale, and then the L. Chancellor to come to the barre.

SUFFOLKE. The submission, or defense firste ?

NORTH. *Ad idem* with Saye, and to assigne the L. Chancellor a day to be here, on Monday or soe.

PRYNCE. To sende to the L. Chancellor to knowe whether make his submission, or defense.

SOUTHAMPTON. *Ad idem*, and then to doc as we see cause.

April 25. The L. Ch. Justice returned to the L. Chancellor's place.

Message sent to the L. Chancellor.

Per the Prynce. We have receaved a doubtfull aunswere, and therefore we sende unto him to knowe of him, directly and presently, whether he wyll make his confession or stande uppon defense. Bycause the LL. conceave some doubte of his aunswere, their Lordships require his Lordship to send present answere whether hee will make his confession or stand uppon his justificacion.

NORTH. Moved touching Sir J. B[ennett's] baylle.

L. CHAMBERLAIN. A great care to be taken that he cannot escape.

L. SUFFOLKE. That he may speake with his wyfe, &c.

SHEFFIELD. He desyres not to be at libertye, but to have the libertye of the house.

ARUNDELL. Yett good bonde to be taken.

ARCH. CANTERBURY. Bonde of Aldermen. A garde uppon every doore of his house.

RICHMOND. Besides only of a greate summe.

PAGETT. Bondes only.

SAYE. The Lower House may take yt ill yf he be enlarged.

CAMBRIDGE. Either to fynde suertye, or to be committed to the Fleete.

SPENCER. Not to ymprison before his answere.

BANGOR. Good bayll offred. His credytt was good. Not to be ymprissonned.

SOUTHAMPTON. Ymprisonment may be easier than bayll.

SHEFFIELD. Not to be baylled whome the Commons imprisoned in good correspondency.

PAGETT. Delivered at the Conference, that Sir John B. was restreyned of his libertye, untill he should be transmitted to us.

ARUNDELL. Baylle may be worse than ymprisonment. To lett him knowe of the complaint brought us against [him], and to knowe what baylle he cann gyve, and for what summe. Three Aldermen, deaundd of 20,000<sup>li</sup> a peece.

SUFFOLKE. His abillitye greate: *ergo* 40,000<sup>li</sup> bonde with an Allderman his surety sufficient. April 25.

ARUNDELL. A greate summe to be insisted for three causes :—

1. Charged with greate brybes by the Commons.
2. His estate raysed by theis briberyes.
3. Restitucion demanded.

CAMBRIDGE. *Ad idem*.

HUNTINGDON. Great bayll, for the same cause.

RICHMOND. 60,000<sup>li</sup> bayll, for he may be charged with 100,000<sup>li</sup>.

Question. The LL. which were of opynion that Sir John Bennett shal putt in security of 60,000<sup>li</sup> bonde, saye—Content. They which wyll have but 40,000<sup>li</sup>, saye—Not content. *Per pluries*, 40,000<sup>li</sup>.

Agreed to be offred to the House what baylle he wyll tender. And yf the LL. shall myslyke of the bayll, then Sir J. Bennett is to be sent to the Tower with liberty of the house there.

40,000<sup>li</sup>.  
Fortye thousande poundes bonde agreed on ; and

ARUNDELL. Fowles and Michell are brought hether, they to be brought nowe to the barre and heare the charge.

Mr. BARON DENHAM delyvered in wryghting:—My Lord Chauncelor will make no manner of defens to the charge. But meaneth to acknowledg corrupcion, and to make a particuler confession to every poynt, and after that, an humble submission. But humbly craves libertie that, where the charge is more full then he fynds the truth of the fact, he may make declaration of the truth in such partiuers, the charge being briefe, and conteyning not all circumstances.

SOUTHAMPTON. For that he named noe tyme, a tyme to be lyimited him for this confession.

SUFFOLKE. His submission to be in person.

L. CHAMBERLAIN. Yf the extenuation to lessen his confession or submission, then to receave a submission at the barre; but yf they be not extenuated, then the submission to be receaved in wrighting.

ARUNDELL. *Ad idem*. Tyme for my L. Chancellor to send this confession and submissicn as he intendes to make, on Mondaye

Enter this

April 25.

Viewed per  
Comit. Hunt.  
Warwic. Ep.  
Cov. et Lich.  
Bathon, et Well.  
Dm. Russell, et  
Dm. Say.

next by 10 in morning: the same to signified unto him by Mr. Baron Denham and Mr. Attourney-Generall.

Fowles and Michael to be here agayne tomorrowe mourning.  
Mr. Herne to be sent for to be here then allso.

Adjourned to 9 tomorrowe mournynge.

JOVIS, 26 APRILIS, 1621.

\* \* \* \* \*

April 26.

Sir Fraunces Michael was brought to the barre, and the L. Ch. Justice tolld him: Sir Frauncis Michael, you were accused—

1. 100<sup>li</sup> per annum.

R°. He receaved yt not uppon any such condicion, Fowles being the Kinges agent in this buissiness, and having much controversye with many; and not privly, he the said Fowles promissed this examinat, to gyve him and his executors and assigns yerely 100<sup>li</sup> for his paynes to settle the sayd controversies, which he this examinat dyd brynge to passe, and ytt was only the Kinges profitt that was expected by Fowles and him.

Com. dated  
Apr. 16 R. J.  
Annuity,  
17 R. J.

Beinge demaunded whether he himselfe were then a Commissioner or noc, he aunswered he knowes not certeynly whether he were then a Commissioner or not, but desyres to conferre the date of the annuity with the date of the Commission: but he sayeth he dyd nothing for that 100<sup>li</sup> per annum as a Commissioner, but settled the wholl body of that buyssines, bothe for the Kinge and the Commissioners, and what profitt shoulde be aunswered to any of them.

Int. 1. Dyd you accept of annuity of 100<sup>li</sup> per an. for fyve yeares?

R°. He dyd.

Int. 2. Were you a Commissioner of the golld and sylver thrydd at that tyme when you accepted of that annuitye?



April 26.

R<sup>o</sup>. He remembreth not.

Mem. The Comissions were bothe reade and bare date before the grant of the annuity.

2. He was charged that he and Twedy tooke upon them the execucion, &c.

R<sup>o</sup>. He and Twedy entred into theis buissnes alone, the other Commissioners not having leysure.

He trusted Mr. Twedy with the examinacion of any brought before them. They dealte with an even hande, and acquaynted the Kinge's Attourney from tyme to tyme with the courses thei tooke, and had his advyse; and yf Mr. Twedy be not in more blame then he, then they have done nothing contrary to the Commission. He denyed that he comytted any man before the vii. of May, when he had authority to doe yt.

The power gyven by the Comission reade, vizt.: to comitt parties founde offendinge. Dated 20 Apr.  
A<sup>o</sup> 16 R. R. J.

The power to exacte bondes per proclamation dated [Oct. 10, 1619].

Alledged by Mr. Sergeant that he comitted men before they were found offenders, and tooke bondes before the proclamation to take bonds, vizt. he tooke bonde in June 16, and the proclamation is dated [Oct. 10] followinge.

R<sup>o</sup>. He denyed he comitt any before authority; he denyed allso he knewe of any bondes before the proclamation.

Many bondes were produced dated before the proclamation.

To which he aunswered, yt is not denyed that parties were bounde by Mompesson, &c.; but the bondes were not taken by him.

He was further charged:—

3. He having authority with two other Comissioners to comyt to prison, he comitted alone, namely Elenor Towne, comitted to Finsbury.

He denyed he dyd ever sytt alone, or doe any thing alone as a Comissioner.

Being demaunded why he recalled his warrant to the Keeper of Newgate for the comittment of Roberte Moore and nyne others,

April 26.

R<sup>o</sup>. He aunswered that after the comittment he advysed with the Attourney. The parties petitioned to the Lord Chancellor, and the Attourney sending his man to this examinate to discharge them, he sent for his mittimus, bycause he would wryte in the margent therof, with his owne handes, the same wordes which he wrytt for their discharge in the warrant that he sent to bryng them before him. The oathe of Pask and Acton reade, whereby yt appered that Mompesson and Michaell alone dyd urge a bonde from them.

He denied yt in effecte.

4. That he erected an office and made Orders and exacted a bonde to perfourme them.

R<sup>o</sup>. He joyned with the other Comissioner Mompesson, and the Orders being offred to be reade, he sayd all the Orders in the booke were made by consent of the parties of whom they tooke bond.

He confessed all the Orders in that booke to be made by him and Mompesson.

The Orders were many of [them] repeated and 1. Order. 2. Order. 3. Order, &c.

Order, 16 Maii 1620, bonde to be delivered to Dyke to prosecute.

He confesseth all Orders and Bondes, but they were made by consent of the parties.

10 Marcii 1619. Order an attachment to be granted against Mr. Garraway.

R<sup>o</sup>. He remembers yt not.

Suyt per Fowles in the Starre chamber *versus* Lake and others.

Lake gave Michaell (being a Commissioner) three 22s. peeces to doe him good.

R<sup>o</sup>. He dyd take yt of Lake and gave him more synce. This being done, he spake for himselfe, magnified the Comission, and dyd all he coule to sett forth the same. He myslyked the two Comissions and the proceedings, and woulde not have medled with yt yf he coule have avoyded. Mompesson tolld him weekly that he had comand from the King to doe this and this, and what shoulde he doe to withstand Mompesson.

The L. North delivered the deposition of Broade against Fowles and Dyke taken before the Committees; which was read, and ordered Fra. Broade to take his due course at the common lawe. April 26.

ARUNDELL. Howe and when to proceed against Fowles and Michael.

Agree to heare them this afternoone.

Mr. BARON DENHAM and Mr. ATTORNEY-GENERALL. They delivered their LL. message unto the L. Chancellor, that their LL. have gyven him tyme to prepare.

The L. Chancellor wyll doe yt.

ESSEX. Comes Hertford is dead, a wrytt for the newe Erle to be sumoned. Ordered per curiam.

Ordered.

Message for the Lower House to sytt this afternoone, for that —

SAY. To sytt tomorrowe mournyng though Starr Chamber day, and then to sende this message to the Lower House agayne. Ordered.

Adjournat to 2 this afternoone.

## 26 APRILIS, 1621, POST MERIDIEM.

[Examination of Fowles.—L. J. iii. 91.]

Mr. SERGEAUNT CREWE reade the Sophisticacion alledged by the Commons, which sayeth that Fowles perswaded yt.

PRYNCE. Whether is yt proved that Fowles is guylty of the Sophisticacion or noe?

Gascarde's deposition reade again.

L. CH. JUSTICE demaunded whether he used any other dyer? He aunswered, yea. And being demanded howe he made up the losse of weight: he made discourse of yt. He never had full weight of others; but he had most comonly full weight from Gascarde.

ARUNDELL. Fowles desyred his full weight and had yt, but knewe not of the decepte.

SOUTHAMPTON. He coulde not but knowe of the sophisticacion,

April 26. for he had soe much dyed by Gascarde as came to 80<sup>li</sup> at 3s. the pounce the dyinge; and before that coulede be spent, he coulede not but fynde the sophisticacion.

SAYE. He knewe of the sophisticacion, for he offers to discover yt for the good service of the comonwelthe.

SHEFFIELD. Fowles denyes not his knowledge, but sayes —

WALLINGFORD. Fowles knewe of yt, and lykd yt so well that he offred him a house and 100 marks per annum to be employed by him only.

L. CH. JUSTICE demaunded what he gave to others for dyinge.

He aunswered he ymployed his owne servaunts and Gascard only.

Beinge demaunded whether he sent Unwoon to Gascarde to prepare soe much sylk, &c.

*Prout per Gascarde.*

Agreed. ARUNDELL and } To gyve him his full charge and demaund his  
NORTH. } aunswere unto the same particulerly.

L. CH. JUSTICE. Whoe gott by this falshood?

Fowles. That he loste, for he gott nothing by the weight : for he was fayne to discharge the sylk agayne, which Gascard had charged with sophisticacion; which was to his greate charge.

DURESME observed that Fowles discharges himselfe of this sophisticacion, and layes the fault on Gascarde.

Unwoon. Jervys Unwoon. He was servant to Fowles.

He caryed many parcells of sylke for Fowles after the contract, to delyver good sylke back agayne weight for weight. That Gascarde was Journyman with one Norton and was comended for his skyll, and Mr. Fowles then wantinge a dyer, Fowles himselfe went to him and contracted, and Gascarde dyed many parcells well. Mr. Fowles had the benefytt when yt was well. Fowles knewe of the deceapte used by Gascarde. The dyer promised Fowles full weyt and good sylke; and he delivered sometymes lesse weyt, and Fowles sayd, "bryng good worke." Thus he brought less weight. The first contracte was with Norton; then Gascard tooke a skene and made a prooffe which was good. Then the contracte was per

poll, Gascard promissing good sylke and full weight. The first message sent by him to Gascard he remembreth not. April 26.

L. CH. JUSTICE. Whether were you sent to Gascard before the contract?

He knowes not what others tooke for dyeing a pound of sylke, not certeynly, some more some lesse. Mrs. Oram, *per auditum*, but 4*d.* the pounce, the ordynary dyers have 8*d.*, but they allowe not weight. Yt is not possible to retourne weight for weight without fraude.

PRYNCE. That the Orders of the House be kept, &c. when any man is examined, one to demaunde questions, only.

CHAMBERLAIN. Any Judges may aske questions, but when a man is in examinacion the ——

2. L. CH. JUSTICE. All the stuff without lycence to be forfeited and seised. All to be brought into the King's storehouse. You seised them and converted them to your owne use: brought them to your owne house.

R<sup>o</sup>. The Comissioners disposed of them. He converted none to his owne use.

3. Authority to Comissioners to convert and examine, he being noe Comissioner dyd execut the power of a Comissioner.

R<sup>o</sup>. Denyes yt absolutely.

The deposicions of Josephe Simons, Tho. Ledsham, Mary Greehill reade. He denyed them absolutely.

The petition of Elizab. Cokren, red. He desyres that the Keeper of the prison and the officers may be examined of the truth in this petition.

The warrant Dormant reade.

Touching Mrs. Turata: that she was a Frenchewoman; she left her husband, and a dealer in this trade. She had 4 or 5 children by severall men. She slaundered the examinant: being told of the daunger of a slaunder, she is fledd. Desyred she myght be found and examined.

4. To the ymportacion of bullyon, and consumpcion of 30,000<sup>li</sup> per annum in bullyon.

Denyes.

April 26.

That he had neither tyme nor meanes to doe yt. Commendeth care to prevent the consumption of bullyon, which he affirmes was not by them the Patentees.

For the brynging in bullyon, he confesseth he brought in but 8000<sup>li</sup>. He payd noe rent, for that the patent was called in, but they payd the custome.

Seisure.

The petition of Daniell Fermond was read.

He discoursed heruppon that the L. Chancellor bad he shoulde have the irons delyvered upon his bond, which bond he woulde not gyve, &c. They were seised by Norton. They were redelyvered by his wyfe for feare. He denyed he knewe of the tooles before they were seised.

Dyeing.

Gascard had 3s. for dying, wheras Mrs. Oran would take 4d. and others 8d.

His aunswere, better gyve 3s. then 8d., for the good doeing of yt. He contracted with the dyer for the pryce. Sylke dyed in grayne may be retourned full weight. Whether with sophisticacion or noe, he knoweth not. But yt is used by dyers.

The petition of John Hill read.

He delyvered him 600<sup>li</sup> worthe of tooles wherof Hill sould parte, and was running away with some other parte of the tooles. He denyed the rest, and layd much cosenage and wronge on Hill himselfe, and affirmed him to be an Athiest.

L. TREASURER. Hill brought before him by Habeas Corpus, and the lieutenant ret[urned] theft of some tooles out of the mynt, &c.

Peticulers of wronges done by Fowles and Dyke to Broade, reade.

Fowles being demaunded to aunswere this,

Discoursed theruppon, and avoyded the four first articles. The fyfte he denyed.

Denied by  
Fowles that  
any such  
bonde.

CURIA. Lett Broade take his course by lawe.

Deposicion of Claude Durelle read.

Comitted per Comitum Suffolke at the complaint of Fowles.

SUFFOLK. Denyed the remembraunce of the comittment.

ARUNDELL. Fowles to be demaunded, Whether he dyd conferre with Yelverton about the Comissions and Proclamacions?

April 26.

Fowles havinge herde the deposicions of Claude Durelle read, denyed the effecte therof.

Affirmed, that Durelle was comitted upon complaint of the Patentees for dissobeying the Orders made by the LL. of the Councell; the bonde was only to perfourme that Order. He was not the first inventor, but the first establisher of the trade by spyninge—the first that brought in the skyll of spyninge which is nowe knowen. He had conference with Yelverton about the Comission and Proclamacion.

That Yelverton drewe the Comission and Proclamacion.

He wyll sett downe his knowledge and proceeding from the first patent to the last particuler by Satterday mourninge.

SAY. Whether to question the parties generally or upon the particulers brought against them from the Lower House.

ARUNDELL. Of the particulers and all incidents. Whether Yelverton made a stay of the last patent, and the reason why he past yt?

R<sup>o</sup>. He remembers not.

He wyll sett downe all in wrighting by his knowledge herein. mourning of

CAMBRIDGE. Whether this to be permitted, or to take his knowledge nowe, for that this libertye hathe ben spoake against.

PRYNCE. The Kinge spake against yt and he himselfe myslykes yt.

SAY. He not to accuse any other.

ADMYRALL. This to cleere himselfe.

Fowles. Desyred he might not accuse himselfe.

Agreed to leave Fowles where he is, and to proceed against him.

L. CH. JUSTICE. Moved the LL. to consider of the charge and proofes against Fowles and against Michaell.

ARUNDELL. Michaell herd and his defense. He to be proceeded against. Fowles hathe aunswere with much eloquence, and many poyntes seeme doubtful.

DURESME. The noates taken of their aunswere to be reade.

SOUTHAMPTON. *Ad idem.*

April 26.  
I coulde not  
conceave this.

L. ADMYRALL. Other wytnesses to be examined.

L. CHAMBERLAIN. Whether to putt Fowles to further order, or to proceed uppon this.

DURESME. That the aunsweres may be read *prout ante*.

ARUNDELL. } Yt is not the course in any courte for

L. TREASURER. } Criminall causes, the party delinquent or the

L. CH. JUSTICE. } Judges to heare the proofes readē after they were delyvered.

SPENCER. Fowles is charged by wytnesses uppon oathe; he excuseth himselfe without oathe.

SIEFFIELD. The chief accuser is the dyer, who, to excuse himself, accuseth Fowles.

SAY. *Ad idem*.

Denied by Mr. Sergeant Crewe and by Southampton.

CAMBRIDGE. The best excuse that Fowles makes to his charge of sophisticacion is that sylke may be so dyed without sophisticacion, and this the chiefest poynt Fowles is accused.

Desyres to be satisfied whether sylke may be so dyed or noe.

CHAMBERLAIN —

L. TREASURER. Fowles sayes he wyll proove the practisse of yt. There is noe lawe against yt. Lett him, yf [he] can, proove he may doe yt without the sophisticacion.

RICHMOND. Lett him proove allso his myslyke of the sophisticacion.

DANVERS. Complayned of for comyttment without warrant to Fynsbury Gaole. To see the warrant.

ARUNDELL. Fowles to be admytted to the prooffe of the practisse to dye sylke without the losse of the weight, and without sophisticacion.

NORTH. The charge and aunswere touchinge the sophisticacion to be reade.

Agreed. Four sylkemen and four dyers to be chosen by the Master and Wardens of the Companyes to be sent for; such as have nothing to doe in this buissines.



Mr. Henshawe and Mr. Rogers, Mr. Fische.

April 26.

The Wardens of the Company of sylke dyers to sende hether 4 sylke dyers, such as are not enterresed in the manufacture of gold and sylver thrydd.

Silkemen.

ARUNDELL.

DURESME. Dyrect aunsweres to be taken to morrow mourning from Fowles and Michell his owne mouth, and sett downe and reade to them.

L. TREASURER. I received this day lettres from the King to take the Lady Lakes submission to morrow in the Starrchamber.

L. CHAMBERLAIN. The LL. of the Councell, which must of Starr chamber. necessitye be at the Starrchamber, may be spared.

CAMBRIDGE. Mr. Sergeant Crewe much used here and checked. That he be not discouraged, and be spared to morrowe.

*Habeas corpus pro Henrico Fynes milite, &c.*

The undersheriff knewe not that he was the Kinges servaunte; nor the underbayliffes. Tally denyes yt allso. Sr. H. Fynes affirmes yt.

Sr. H. Fynes is discharged out of his ymprisonment. The undersheriff commaunded to discharge him.

Order to be discharged.

The undersheriffe discharged allso, and the under bayliffes discharged allso, but checked and warned to take noatice of yt hereafter better; but Tally coulde not but knowe yt, and therefore to be comytted to the Fleete.

Ordered to be discharged.

Ordered to be comytted.

Adjournatur to 9 to morrowe mourning.

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27 APRILIS 1621.

Message sent to the Commons by Mr. Baron Bromly, Mr. Justice Hutton.

April 27.

q. by whom.

The LL. desyre the Commons to sytt with their Speaker this afternoone, for that the LL. may have occasion to sende unto them about matters of ymportaunce.

CAMD. SOC.

F

April 27. Aunswere retourned. They wyll sett as a full house this afternoone, as is desyred.

The Sylkemen to come hether in courte. Fowles to come this mourning and make his aunswere. Fowles to be called in firste. His wytnesses not to be examined uppon oath.

PRYNCE. Then an innocent man may be condemned. Moved to examyn *ad informandum animum judicis*.

Agreed. Yf he desyre yt.

[Charge against Fowles.—L. J. iii. 93.]

The prisoner was removed, and Mr. Herne delyvered his opynion touching the abuse in the dyinge of sylke; that this may be best learned from the Thorowsters, viz. Dearde and Crowche, whoe were employed thereby. Shewes the washing by them, who washed away the gum. Then the dyer was founde out to add that to the weight what the washers had taken away, which the washer coude not doe.

NORTHE. Not necessary to dye the sylke which was to be covered with golde or sylver; the dyers to be examined.

WARWICKE. Fowles gayned 4 crownes uppon every pounce.

COVENTRY ET LICHFIELD. Fowles involved him in the word addicion, which apperes plainly to be sophisticacion.

SUFFOLK. Addicion may be lawfull, for that there is noe losse in the washinge.

MR. HERNE. 4 ounces losse by the washing.

PRYNCE. To be satisfied whether the white leade and arsnick used in the addicion be a sophisticacion or deceipt, or may be justified.

NORTH. To heare the sylkemen.

1. q. PRYNCE. To knowe of them whether addicion to the weight may be used honestly, and whether that addicion hathe been aunceyently used or noe, and what proporeion of addicion?

2. q. BRIDGEWATER. Whether yt be necessary to dye the sylke to be used for the gold or sylver thryd.

DURESME. Where Fowles had his sylke before he knewe of this dyer Gascarde ? April 27.  
3. q.

Not to sweare the Dyers &c. unlesse they saye they wylbe content to be sworne. Agreed.

Whether the addicion to the weight may be used honestlye, and whether that addicion hathe ben auneyently used or noe, and what proporcion of addicion hathe been used. 1. q.

Whether yt be necessary to dye the sylke which is to be used for gold or sylver thrydd ? 2. q.

[Evidence of the silkmen that the silk must be dyed, but that it is dishonest to add to the weight — L. J. iii. 93.]

Fowles being brought to the barre agayne, desyred that the testimonyall of theis dyers may not be used against him. Desyres to be tryed by his bookes, whether he used more sylke or more sylver then others doe.

PRYNCE. Whether dyd you vent any sophisticated sylke for sylver thrydd after you had discovered sophisticacion ?

R<sup>o</sup>. He dyd think some of his servaunts had sould some quantitey of yt, but not much. Some sylke will not wast by one, two, or three ounces, as other sylke wyll doe. He proceded to answer the charge, *prout alias*.

[Answers to Fowles' charge. Evidence of Richard More, L. J. iii. 93.]

NORTH. Francis Broade attendinge here, is arrested by John Broade, moved to have him freed, &c.

*Habeas corpus pro* Francis Broade ret[urnable] to morrowe mourning at 9. A warrant to bryng the others which arrested him to be here then allso. Ordered.

L. CHAMBERLAIN. To mete in roabes this afternoone to sentence Michell, and the Judges to have notice. Fowles to attend this afternoon. Order.

Adjournatur to 2 post meridiem.

April 27.

DIE VENERIS, 27 APRILIS, 1621, POST MERIDIEM.

William Talley his petition reade, being yesterday committed for arrestinge of St. Henry Fynes.

Agreed to rest as yt dothe, yf yt had not ben read. For noe submission in yt.

L. CH. JUSTICE moved whether to proceed against Michell, which is appoynted to be done this daye, and remembred the message to the Lower House to sytt as a House this afternoone, for that you entend to send unto them about some buissines of ymportance.

Agreed by all that Michell's cause is redy to be sentenced.

*Adjournatur ad libitum*, to the ende yt myght be the better disputed what sentence to gyve upon him.

WALLDEN. Newe matter offred, viz., the Gaoler of Fynsbury upon oathe testified, that Michell had a roome in his house to comitt prisoners unto.

ARUNDELL. This not to be in the charge, unlesse he first herd what he can saye unto yt.

SUFFOLK. }  
DURESME. } Noe greate faulte.

SHEFFIELD. A greate faulte.

SAYE.

CAMBRIDGE.

The Gaoler's examination read.

L. CHAMBERLAIN. The House to consyder of yt, and to call Michell to the barre to heare yt, and to aunswere yt.

WENTWORTH. Twedy<sup>a</sup> to be allso questioned here; for as guilty as Michell.

ARUNDELL. Not soe guylty.

L. CHAMBERLAIN. Twedy is very fowle in this buissines.

HUNTINGDON. To come to his aunswere for his purgacion herafter.

The wholl  
House a  
Comittee.

<sup>a</sup> L. J. iii. 87.

NORTH. Twedy not yett questioned, and reckoned honest; not at this tyme questioned. April 27.

SHEFFIELD. Twedy not to be questioned.

RICHMOND. Not now.

SOUTHAMPTON. The mocion good, to remember them that are complained of with Michell, though not soe fowle as he. Twedy is named; so is S<sup>r</sup> Allen Apsley.<sup>a</sup> This questioning may be to his credit. But to consider, whether you will so far sentence Michell as to dissable his testimony against the others.

PRINCE. 2 sortes are named unto us: 1. Malefactors; 2. Others brought uppon the bye. The House to distinguish who is to be punished, and they to be questioned.

SOUTHAMPTON. The Lower House hathe made declaracion of the oppressions, and setts downe by whom this to be considered. Those there named cannot be cleered but by inquiry made of their accions. Requyred the declaracion to be reade.

SHEFFIELD. Not to be.

The declaracion of the Comons touching the manufacture of gold and sylver thridd was read.

CAMBRIDGE. } Whether to proceed against Michell; for that

DANVERS. } a message is sent to the Lower House.

ARUNDELL. Or ells to sende a messenger to the Lower House to appoynt another daye for proceeding against Michell.

SHEFFIELD. Matter enough in this declaracion for Twedy to be questioned: approved the Earl of Southampton his mocion, not to proceed against Michell as yett, least his testimony be taken awaye.

SOUTHAMPTON. Conceyved the declaracion aryght; naming the bare and naked passages touching the golde and sylver thryd. To balke the inquiry of any named in this declaracion is a wronge to justice: or ells, yf they be clere, we leave an aspersion uppon them; yf faulty, we leave offenders unpunished. The manner is, where many are sayd to be parties in one offence, the enquiry to be of

<sup>a</sup> Lieutenant of the Tower, and a Commissioner for the execution of the gold and silver thread patent.

April 27.

them all. Staye to be made against Michell, least by censure his testimony be taken awaye.

PRYNCE. To proceed against Michell for 2 reasons: 1. Yt wyll ease us of tyme; 2. His testimony is nought already to enfourme a man's conscience, though good in lawe.

The House is resumed. The L. Ch. Justice retourned to the L. Ch. scate.

L. CHAMBERLAIN. First to knowe to what particuler Michell's testimony may be needefull, or ells the proceedinge against him not to be deferred.

SHEFFIELD. Michell his testimony in all appearaunce necessary against Twedye.

SAY. He may be questioned touching Twedy, and yett we may now proceed to the censure, and to be ordered that his testimony may be good notwithstanding the censure.

NORTHE. The opinions dyvers and good, commendes the opynion of them that would have the proceedinge delayed. Yf any thing be doubtfull, best to be deferred.

WALLINGFORD. Haste makes waste. No harme by delaye. The honour of this house to forsee that his testimony be not taken away.

BRIDGEWATER. Cannot perceave but that Michel may be examined and proceeded against both.

ARUNDELL. The particulers to be sett downe whereon he shalbe examined.

SOUTHAMPTON. To knowe the truthe, fyt that those are to be examined whoe are partakers in the same offence.

PRYNCE. To knowe yf there be any materiall poyntes wheron he may be examined, and that orders may be better kept, viz. none to speake but once to a matter.

1. Question. Whether you wyll examine Michell this day or noe, before he be sentenced?

Such of the L.L. as are of opynion that Michell shalbe presently examined before he be censured, say Content. Such as be of another opynion, say, Not content. Content, *per pluries*.

The wholl House a Comittee, the same being adjourned *ad libitum*. April 27.

DIGBY. The interrogatoryes to be sett downe, whereon Michell is to be examined.

CAMBRIDGE. The daye runns. *Ad idem cum* Digby.

1. WENTWORTH. Michell to be examined touching Twedy.

2. SUFFOLKE. To be examined whether he founde Twedy dyd wyllingly signe any warrant or noe.

SHEFFIELD. Of Twedy only.

DURESME. The particulers against Tweddy are in the latter page in the declaracion.

ARUNDELL. Michell to be examined uppon oathe touching others, but not touchinge himselfe.

SOUTHAMPTON. Yt is fitt Michell be examined touching Twedy, Sir Allen Apsley, and Sir Edwarde Villiers.

L. CHAMBERLAIN. To examine Michell touching Twedy and Viliers, but not touching Apsley.

[Further examination of Michell.—L. J. iii. 95.]

# DIE SABATHI, 28 APRILIS, 1621.

\* \* \* \* \*

[Evidence of the Lieutenant of the Tower that Sir H. Yelverton was too ill to appear. Committee appointed to visit him, and order that he shall be brought on Monday afternoon.—L. J. iii. 96.] April 28.

SHEFFIELD. This delaye of Yelverton to be examined, for that he sent his excuse after x of the clock.

The Lieutennaunt called to the barre and checked for his neglect in not brynging his prisoner at 9 this [morning], but bringing an excuse after 10, he was commanded to bryng him hither on Monday next at 2 in the afternoone, and requyred to be more carefull hereafter, &c.

PAGETT. The House to consider of the abuses Sir H. Yelverton is charged with, touching the Inns, as his Majesty may be satisfied,

April 28.

whoe conceaved that Yelverton was not to have been charged therewith.

SHEFFIELD. A Comittee to satisfy his Majesty that the LL. fynding 3,000 and more *Quo Warrantos* brought by Yelverton touching the Inns, and therefore they thought good to charge him with yt.

[Reasons for explaining to his Majesty the course taken.—L. J. iii. 96.]

\* \* \* \* \*

April 30.

LUNÆ, 30 APRILIS, 1621.

[Report of Yelverton's state of health.—L. J. iii. 98.]

*Hodie 2<sup>da</sup> vice lecta est Billa* for the better repressinge of Popish Recusants.

BATHON AND WELLS. A remedy to brynge them to Church as well as to punishe their—

COVENTRY AND LICHFIELD. A stricter course against the obstinate recusants which will refuse to heare admonicion or instruccion.

BANGOR. A remedy against the woemen recusants whoe retourne scoffes, fflowtes, and tauntes when the Bishops offer to instructe them.

SAYE. The Comittees to consider of theis mocions.

[Appointment of the Committee.—L. J. iii. 101.]

The petition <sup>a</sup> of Breers against Passmore read.

ARUNDELL. An exemplary course to be taken against him, and bounde to the good behaviour, and not to vexe his neighbours.

BUCKINGHAM. To make satisfaccion.

LINCOLN. } That he is troublesome to his neigh[bours].  
SARUM. }

[Referred to the <sup>b</sup> B. of Lincoln, B. of Duresme, and B. of Sarum.]

<sup>a</sup> For having arrested Booth, "one of His Majesty's Servants."—L. J. iii. 101.

<sup>b</sup> It originally stood "Referred to the L. Admirall, B. of Lincoln," &c. but the words "Referred to" are deleted, as well as the name, probably by mistake.



Passmore was called in to the Barre, and the briefe of the petition reade, and yt was tolde him by the L. Ch. Justice that he is not to be delivered untill he be bound to the good behaviour, and made satisfaccion of the goodes taken from Breers, &c. *prout* in the petition.

April 30.  
He was sent  
to the flecte  
agayne.

The submission of the L. Chauncellor sent to the House this daye reade.<sup>a</sup>

RICHMUNDE. Some LL. to be sent to the Lo. Chauncellor to knowe whether this be his owne hand, and, 1. Whether he will stande to yt or noe; 2. That some LL. entreate the King to sequestre the Seale.

PRYNCE. To the 2, but not to the firste.

L. TREASURER. That the Prynce myght be entreated by the LL. to entreate this of the King to sequestre the Seale.

L. CHAMBERLAIN. To the 1 and 2.

CANTERBURY. *Ad idem.*

ARUNDELL. *Ad idem.*

[Committee appointed to go to the Chancellor "to take his acknowledgment, whether this be his hand. To signifye that yf he see acknowledg this to be his submission, the LL. conceaved yt to be full enough."]

BATHON. A Byll against the abuse of sacred things, as christening of doggs, &c.

*Hodie 2 vice lecta est Billa* against Profane Swearinge.

L. SAYE made an earnest speech that this Bill sleepe not.

[Committee appointed. Their report of the Lord Chancellor's acknowledgment. L. J. iii. 101.]

L. TREASURER. The Clerke of the Crowne is to attende at the taking away of the Seale from the L. Chancellor.

\* \* \* \* \*

*Hodie*, a petition of the fishermen against the L. Teynham reade.

BUCKINGHAM. The Courtes of Justice are open.

SHEFFIELD. Their poverty; not able to contende.

WENTWORTH. The petition first delivered to the Commons, &c.

SAYE. A Committee.

The petition of the fishermen comitted unto—

[Names of the Committee, L. J. iii. 102.]

<sup>a</sup> The Lord Chancellor's submission printed in L. J. iii. 98.

30 APRILIS, 1621, POST MERIDIEM.

April 30. PRYNCE. That the King hathe wyllingly yielded to the LL.  
Report. request touching the sequestering of the Seale, and would have done yt, yf requested.<sup>a</sup>

Report. RICHMOND. His Matie is satisfyed concerning that Sir H. Yelverton was charged touching the matter of Inns and Hostelryes.  
Sir H. Yelverton at the barre.

L. CH. JUSTICE. He hath herd his charge. That his answeres be examined with the charge, and his evasions spoaken unto by the Kinges Councell.

The prisoner withdrawn.

ARUNDELL. The reply to be by the Kinges Councell.

SHEFFIELD. Those to be employed whom the LL. have employed here in this buisines by their LL. direccion.

ARUNDELL. *Ad idem.*

DURESME. *Ad idem.*

L. TREASURER. To heare the partie. The Kinges Councell as servaunts to the House to urge the proofes.

L. SAY. This to have ben done by direccion of the House, and not by the Speaker without the direccion of the House.

Yelverton at the barre agayne.

L. CH. JUSTICE read the first charge, and his answer [18] April last. Demanded whether he affermes this answer.

R<sup>o</sup> This charges be dyvyded into 2. The one of gold and sylver thrydd; the other of inns.

Desyred that he may make answer to every particuler charge *in serie temporis*.

Yielded unto.

He cannot present himselfe without much feare and more grief,

<sup>a</sup> If he had not been moved therein.—L. J. iii. 102.

being justly compassed about with soe many terrours from his Majestie, which myght make him hyde himselfe as Adam.

April 30.

Spake.



Humbly desyred he might be admitted to defend his honesty and innocency much more prised by him then his lyfe. He doth not dispayre of his Majesties grace, and nowe came creeping uppon the grounde not dispayring of his Majesties grace and favour, hoaping that he woulde not take away his armour of defence from him, nor his opportunity of accusing of others in his owne excuse.

That he is charged for advyseing the patent of gold and sylver thrydd to be resumed into the Kinges handes, and for the *Quo Warrantos* brought for Inns.<sup>a</sup>

Humble thanks for the greate charge.

That for gold and sylver [re]toured hether from the Lower House.



1. For the advise.

2

3.

He is charged by Sir Ed. Cooke, &c. He begann to discourse against him, terming him that hairy man, whose hande is against every man, and every man's hande against him.

Here he was advysed to proceed noe further.

He never conceived yt to be a monopoly, nor dothe. He was never asked by any of the Lower House whether he conceived yt to be a monopoly or noe. Yf he used the worde monopoly, yt was to followe their phrase to him. He never thought yt a monopoly.

Monopoly.

Before 4 of this King not tenn in this Kingdome knewe of this trade. That uppon the Lady Bedford's letters, Burlemachi brought

<sup>a</sup> In the Lords' Journals, iii. 103, the beginning of this speech is thus given: "The six charges may be divided into two—the one of gold and silver thread, the other of inns and hostleries. I humbly desire that I may now answer to every particular charge, *in serie temporis*." No more is here preserved, but two extracts are given at p. 121. The marks in the margin point to portions specially corrected, probably to be used against Yelverton. See p. 52. Only the first part of this paragraph will, however, be found in the first of the two extracts.

April 30. over Turatta hether to sett up and teach that trade. A patent granted to the La. Bedford.

3. An order at the Councell 13 Jac. Bonds to be entred into.

4. A warrant received from the E. of Suffolk to renewe this patent, which he dyd with a clause of ymportacion of bullyon.

Elsmere. This was kept from the Seale by the L. Chancellor at the petition of the goldsmyths of London, for seventeen months.

Moved, that sithe he was but a servaunt the LL. woulde thynke yt was not fytt for him to withstand what had passed soc many golden fingers.

Sr Nich. Salter advysed that yf yt were resumed to the Kinges handes yt woulde yield an encrease of 10,000 li. per annum. He desyred a reference to dyvers LL. They resolved of the proclamation, the commission, the indenture. He was but the penman, others the advysers; the L. Chancellor fledd from his owne worke, as from a serpent. Desyred the reasons in the proclamation to be considered of, which conteyne many matters of State beyond his reach. The L. Chancellor mending many poynts therin with his owne hande, he drewe the warraunt and subscrybed yt firste.

Warrant Dor  
mant.

1. wheras it wants a date. 2. and to[o] generall. 3. that any meane man may comitt.

1. for the date, yt may be easely added, for yt must be after the comission dat[ed April 22, 1618.]

The L. Treasurer Suffolk subscrybed yt, he signing yt first out of the care the E. of Suffolk had to see his hand first.

2. he named the bearer and not a particuler person, leaste he being sicke the buissines myght lye ded.

3. he alledged presidents of the lyke, by the attorneys Cooke and Bacon, &c. The nowe L. Treasurer dyd not then subscrybe; he had a speeyall cause for yt, out of his noble disposicion, being then L. Chief Justice for granting of *Habeas corpus*, yet L. Ch. Justice gave approbacion of yt judicially as in the case of Patrickson &c.

The warrant noe unjust clause in yt, for he must serche with an

officer, seise with an officer, and when all is done he can doe nothing of himselfe. April 30.

Yt hathe ben deade theis                      yeares.

3 for the third charge, for prossequiting suytes in the Exchequer, proceded not.

R<sup>o</sup> He dyd not of his owne accord but by direccion of the LL. of the Councell. Hanging the suyte, his Majesty tooke the worke into his owne hands, and therefor he proceded not.

The gouldsmithes were then plaintiffs against the patentees in a crosse byll, and they lett their suyte fall allso.

4. to the comittment of dyvers sylkemen for not entring into bondes.

I dyd yt uppon his Majesty's letters to the L. Chancellor<sup>a</sup> and others, that they shoulde advaunce this buissines of his Majestie. The lettre remaynes with the L. Chancellor.

The agents complained that they wanted a ty uppon the sylkemen. The bonde was advysed by others;—the L. Treasurer and L. Chancellor, and gave reasons for the advyse thereof. The bonde was not for restreynt of their trade, but to prohibitt the abuse therof, vizt. not to buy any manner of sylk thryd underhand wrought. The sylkemen refused.

Sir Ed. Villiers repayred often to me to committ them. Not advysed to comitt. The great LL. thought yt fytt.

Sir Ed. Villiers and Fowles (the patentees) brought a lettre to him from the Kinge for this buissines comanding the comittment of every one that should oppose this worke, which he ymparted not to his fellowes, being purswaded the Kinge was rather abused then rightly enfourmed in the procuring therof. But this was returned uppon him thus, that yf the sylkemen be not brought to seale those bondes, the buissines would fayll and the Kinge lose a 5000 li per annum.

They putt him in mynde of the L. Admyrall, bycause this concerned Sir Ed. Villiers; and Mr. Chr. Villiers put him in mynde of

<sup>a</sup> These words have been substituted for "him," which is left standing in the MS. as well.

April 30.

yt by his lettre. They dealte roundly with him, and threatned to complayne of him yf the worke should fayll by his neglecte, and theruppon he comitted them. Uppon this he first offered to putt out of the bonde whatsoever they coulde object against yt. He dyd yt not in a base feare of Sir Ed. Villiers and Mompesson. He knewe them to be but shadowes of a greater.

That Sir Ed. Villiers his paynted friend, and Mompesson an obdurate enemy. He feared not them nor him whoe was above them, whose shadowe they were. He feared the power of the L. of Buckingham, he whoe was ever present at his Majesties elbowe ready to hewe him downe.<sup>a</sup>

5. The docquett protested that you wyll as well believe me as him (the Recorder).<sup>b</sup> We dyd often conferr about yt. The Recorder's consent not requisyte; but for a mylde proceeding he dyd acquaynt the Recorder and wyllled him to acquaynte the citty. In the paper booke yt is penned by the Recorder, craving a certeyn sume in the bondes.

6. *Quo warranto* for the Inns. He may justly in this bemoane his owne unhappines. In the other he laboured the lawfull proffitt of his Majestie; in this the peace of the subjectes.

He denyes he ever was acquaynted with that patent, either with the birth or brynging yt up, and yf yt had had noe more food then yt had from him yt had ben a starveling. His opynion ever against yt. He came to the Kinges benche by chaunce where he herd a Sergeant move the nowe L. Treasurer<sup>c</sup> that a defendant myght answer to a *Quo warranto*, &c. He moved to stoppe yt.

Sir G. Mompesson tolld him that patent was the Kinges jewell, and braved him for gyving him that buffe in the courte, &c. and sayd he would proceed, and that I should not dare to stoppe yt, and

<sup>a</sup> This last paragraph corresponds with the latter part of the first quotation from this speech made on the 14th of May.—L. J. iii. 121. The marks in the margin seem to point to an intention of making a longer extract.

<sup>b</sup> Heath, who had since become Solicitor General.

<sup>c</sup> Chief Justice Montague.

that he had many hundred *Quo warranto*, and bad me stopp them yf I dare. April 30

I challenged him before the Kinge, &c. and tolld his Majestie yt would be an yll preparacion to a parlement, &c. His Majestie charged me not to streyne his prerogative against the auneynt right of his subjectes. That he spoke against his owne proffit, but would treade that under foote, x s. being due for every *Quo Warranto*.

There I woulde wyllingly stopp, for what followes cannott but be distastfull unto some, and therefore I had rather weepe alone then speake what I had to saye.

When I stayed theis proceedinges, a message brought me by Mr. Emerson that dwells by Barnett, that Sir G. Mompesson was to tell me I was not to keepe my place longe, yf I stopped theis *Quo warrantos*, and a whyle after Mompesson sayd he had a message to me from L. Buckingham that I should not holde my place a moneth yf I dyd not better conforme my selfe in theis matters of Inns; whereby he thought this was a greate parte of Regall power assumed to place and displace officers. This staggered me, for if Sir G. M. sayed trewe in this message, which I feare wylbe to trewly proved, you shall see I was in a streyght whether to obey the Kinge or Buckingham.

I was as stubborn as Mordechay. The number of the *Quo Warrantos* were not a dropp to coole the tong of Mompesson. Not halfe of them yssued from me: I stopped many. Of all this that were graunted, I suffred but two to come to tryal in perfourmaunce of his Majesties commaundement. Soe also for the *non prosequi*. The reversall of outlawry. Though he could never have respect from Buckingham, he gave him this respect, never to take one penny for the *Quo Warranto*, whereas x s. were due for every one as his fee. But 30<sup>li</sup> came to him for the *non prosequi*. He founde this message in fewe moneths after perfourmed. Yt was penall; yt was fatall to



Goe!  
Goe on!



<sup>a</sup> The passages between these marks correspond generally with the second extract from this speech, read on the 14th of May.—L. J. ii. 121. See also p. 43.

April 30.

many clyents that came unto him, by reason of ceedars above him and the shrubbs under he made no proffitt of his place. He honoured his Lordship's name, which he had from his father of all the gentlemen of England. He wysshed his Lordship had been pleased to have read the articles against Hugh Spencer in this place, for taking upon him to place and displace officers. Here he was interrupted.

BUCKINGHAM. Let him proceede, and he that wyll seeke to stopp him, more my enemy then his.

L. TREASURER. Right for any man convented to be herde with patience, but not to be herde of thinges not pertinent.

PRYNCE. That what he sayes nowe be to the buissiness. Yf he hathe any thing against Buckingham lett him doe yt herafter.

Y[ELVERTON]. Theis my opposicions have ben my overthrow.

PRYNCE. The Kinge moved that the Lords woulde take this into their consideracion.

BUCKINGHAM. That he may proceede.

Y[ELVERTON]. Yt it is trewe that his opposicion to his Lordship in this patent of Inns, and other thinges which he opposed, he humbly sayes he suffers in his estate and fortune, and meant noe other thing the other daye, for in this patent, and in the stopping of the proceedings therof, he had his Majesties approbacion.

He explainned himselfe :—

He suffers in his estate for this patent; he suffers (justly) in his body by the sentence in the Star Chamber, the which he confesseth justly imposed and swetely, and therefore he had noe ayme to blemishe that sentence. He honoured the sentence and would kneele under yt for four respects: 1. he was sent to the best place of restreynt; 2. he hathe had the liberty of the place; 3. his fyne of 4000<sup>li</sup> not yett demaunded; 4. this slydinge out of his place; his lyfe was become easy and of repose.

Besought his Majestie that he might resemble the woman of Canan, though his Majestie should kyll him he would honor him; for he ever found his gracious favor heretofore and nowe.



He doubteth not but to proove whatsoever he hath sayd. Thankes for their patience to heare him. His happinesse to be judged here.

April 30.  
Conclusion.

The prisoner withdrawn.

BUCKINGHAM. The Kinge acknowledged that he lyked well of the Attourneyes answer, that this of Inns woulde be an yll preparacion to a parlement, but His Majestie sayd, that Yelverton being agreed to have 10 *s.* for every *Quo Warranto*, he passed more in one yeare then were past in many before. He hathe spoaken as you see of me, and produced precedentes. I am a member of your House, and wyll leave my parte to your LL. All his objection against me is a message sent from me by an absent man; but the Kinge avowched the other day my humble suite to his Majestie not to punishe him for me.

ARUNDELL. Yelverton's aunswere is full of accusacions against the Kinge and Buckingham myxte. A colleccion by Mr. Sergeant Crewe; and he to aunswere them.

CAMBRIDGE. Parte of Yelverton's speeche is in his owne defense, parte in accusacion of a member of our House. Yelverton's speech is in defence of his Majestie's speeche. He to be prest howe he came to knowe of yt.

L. TREASURER. The charge to be first urged against him, and the Sergeant to make his replye.

PRYNCE. First to clere the King's honour.

DURESME. Yelverton had his charge in wrighting. Demand his aunswere in wrighting.

ARUNDELL. To be recollected by noates taken here.

Crewe: <sup>a</sup>—He not to question the legallitye of the patent, not whether yt be a monopoly or noe.

RICHMOND. Whether he answered the Commons that he conceived yt a monopoly.

The prisoner at the barre, charged that he comitted dyers for not entring into bondes.

<sup>a</sup> This probably is a direction to Serjeant Crewe by the House. There is a line before it in the MS. so that it is not part of Arundell's speech.

April 30.

1. The same not warrantable.

A<sup>c</sup>. 17 Jacobi.

R<sup>o</sup>. He confesseth that, uppon a lettre from his Majestie, the bond was advysed, the Lo. Chancellor and the L. Treasurer being first consulted with. The advyse was about summer was two yeres, a lytle before the L. Chief Justice went circuitt, anno 17 Jacobi. The lettre remaynes with the Lo. Chancellor as he thinkes, and that he dyd nothing in that buissines without the advyse of the Lo. Chancellor and the Lord Treasurer that now is, or one of them.

The warrant dormant conteyning many unwarrantable clauses in yt.

The warrant was read.

The comitt-  
ment.

MR. SARGEAUNT CREWE first opened the power gyven by the authority. Two or more to comytt. Y[elverton] committed alone.

R<sup>o</sup>. Mompesson was present at the comittment, and woulde have joyned in the comittment, but he refused, that he alone myght discharge them. He committed them as Attourney (in their favour) to the ende he alone might discharge them the next mourninge, yf the Lo. Chancellor shoulde refuse to joyne with him.

2. CREWE. The warrant generall, all officers to assist the bearer herof, &c. All offending or suspected to offende to brynge before them. By comission the seisure of the tooles, and goodes forfeyted are to be seised and brought into the Kinge's store house. The warrant is to seise them and brynge them before the Comissioners.

R<sup>o</sup>. This was in case of the subjecte.

CREWE. Noatice to be gyven to the partie by the proclamacion, but none by the warrante.

*Ad quod non est responsum*, but showed a president passed by Sir Ed. Cooke (when he was Attourney) to Sir Ed. Ashton, and a president made by Bacon to, &c.

He confest the signinge of yt first.

3. He advysed the resumpcion into the Kinge's handes, conceaving yt a monopoly.

R<sup>o</sup>. He denied yt that he conceaved yt to be a monopoly, as the Commons declare.

The declaracion of the Commons in that poynt was read, by which the same was averred. April 30.

CREWE. He advysed the proclamacion in March 15 Jacobi for the resumpcion.

R<sup>o</sup>. He advysed not that alone.

CREWE. A docquett signed by Y[elverton] wheruppon ensewed the second proclamacion to take bondes.

R<sup>o</sup>. He dyd this consulting with the Recorder. He produced the paper booke of the proclamation, and his wryghting in the margent, and the Recorder's hande wryghting in the same margent and the docquett under yt. This charge is not in the declaracion of the Commons.

A coppie of the docquett to the proclamacion.

It may please your most, &c.

This conteyneth your Majestie's proclamacion for the better manufacture of gould and silver thread within this Realme, and having beene lately much opposed by the silkemen of London upon my attendance made with the Lord Chauncellor and conference with Mr. Recorder of London, who I wished should acquaint the cittie; which it is thought fitt to be published in this behalfe, leaving the same most humbly to your Majestie's pleasure.

A letter produced by Y[elverton] from Buckingham to him touching the patent for gold and sylver thrydd. Dated at Newcastle, May, 16 Jacobi.

CREWE. The docquett came after the Kinge's aunswere that he woulde not governe by bondes.

R<sup>o</sup>. He knewe not that the Kinge sayd soe.

5. *Quo warranto*, 3401.

R<sup>o</sup> That there be under his hande but 1908.

Yt being urged that he refused to yield unto the *Quo warranto*, untill the fees of x s. were payedhim.<sup>a</sup>

R<sup>o</sup>. He protested he never receaved any fee for the graunting of the *Quo warrantos* in the case of the Inns, his fee being x s. uppon every one.

<sup>a</sup> This was a point urged in the King's Speech.—L. J. iii. 82.

April 30. 6. The informacion in the Exchequer against 40 goldsmithes, Tr. anno 15 Jacobi, but proceeded not.

R<sup>e</sup>. I had an order from the Councell table for the informacion, dated 25 April, 1617.

He coulde not proceede, for that the patent was gyven up, hanging the suyte.

He infourmed against soe many goldsmithes bycause the one shoulde not helpe the other in their oathes, as in the case of commons.

The prisoner removed.

NORTHE. Noe tyme nowe to proceede further against him, but a collection of them all.

Mr. Sergeaunt Crewe and Mr. Attourney perused the scribed booke and perfected the same in the places marked † by their noates taken therof, and then the Clerke redd the same.

BUCKINGHAM. Yelverton to be comitted close prisoner in the Tower, for that the Kinge is touched here.

SHEFFIELD. The Kinge's honour not touched.

ARUNDELL. Q[ue]ry touching assumpcion of regall power to place and displace.

L. TREASURER. *Ad idem*, for that the assumpcion was applyed to the example of H[ugh] Spencer.

SOUTHAMPTON. Those wordes were not applyed to that example. We not to streyne his wordes, but to call him in again to aunswere yt.

PRYNCE.<sup>a</sup> Noe man wylbe soe bolde as to call the King a weake King, but, yf he can <sup>b</sup> by cunning words goe awaye with yt, he wyll, &c.

NORTH. A charitable construccion to be made of what Sir H. Yelverton sayd in this matter.

SAYE. Yelverton by those wordes wronged the Lord he spake of, not the Kinge.

DURESME. His Majestie's pleasure to be knowen, &c.

ARUNDELL. To be tender of the Kinge's honour, &c.

<sup>a</sup> The words of the Prince's speech are erased.

<sup>b</sup> "can pu by" MS.

CAMBRIDGE. Yelverton to be prisoner agayne. None to speake with him, untell the House meete agayne. This reason to be only gyven, for that he hathe thus spoaken agaynst a member of this House, and, &c.

April 30.

L. CHAMBERLAIN. *Ad idem.*

The Lieutennant was comaunded to take Sir H. Y[elverton] into his custodie: not to be restreyned of his libertie.

Noe man to have any privat talke with him, unlesse his wyfe and children and servauntes, and noe papers or wrighting to be delivered to him.

Adjourned to Wensday, 2, post meridiem.

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MERCURII, 2 MAII, POST MERIDIEM.

The LL. beinge come, the Clerke reade a newe commission to the L. Ch. Justice, *in hæc verba*:—

May 2.

James, &c.

Which being reade, the L. Ch. Justice went to the place of Speaker, and then prayers were reade.

\* \* \* \* \*

SOUTHAMPTON. Some of the LL. Comittees on the Bill of Sabaoth and *supersedeas* mett yesterday, and soe fewe appeared that they dyd not proceede: moved that though the greater number meete not, yett yf a considerable number appeare, they may proceede.

To proceede yf thirde parte meete.

Ordered.

L. TREASURER. In the Lower House yf 40 be of the Comittee, yf 8 appere they may proceede.

SHEFFIELDE. The Comittees have not proceeded here unlesse the major parte meete.

DURESME. That John Birde an auneyent servaunt of the B. of Rochester [was arrested] by John Gillett a baylyffe of Westminster, though he knewe him to be soe, and refused baylle, the money due with use and fees, and carryed him to prison; but the cheef bayllif understandinge of it discharged him.

May 2.  
Ordered.

The under bayliff Gillet to be sent for, &c.

NORTHE. To sett downe a tyme to proceede in the buisnesses of Michell and Fowles, of the L. Chancellor, and Sir <sup>a</sup> J. Bennett.

Reporte.

L. TREASURER. I receaved his Majestie's pleasure to delyver you

In many places a message of a double nature:—

I coulde not  
heare the L.

1. Accompt.

Treasurer.

2. Significacion what to be done.

[Er]go I  
humbly desyre

his Lord<sup>p</sup> to  
peruse this and  
to amende yt.

1. Your LL. by the Prynce presented a suyte to his Majestie, that he woulde be pleased as the case then stood to comaund the Seale from the L. Chancellor.

Yesterday the L. Stewarde, the L. Chamberlain, the E. of Arundell, and myselfe, repayred to York House and expressed his Majestie's pleasure herin to the L. Chancellor.

We founde the L. Chancellor very sick, and delyvered our message unto him; whose answere was, when we wysshed yt had ben better with him, he answered, the worse the better, &c. By the Kinge's greate favour I received the great Seale; by my owne greate faulte I have loste yt, &c.

q. the rest of  
the L. Treas-  
urer.

[“The Seale being brought and delivered: by commission yt is committed to the L. Steward, L. Chamberlain, E. Arundel, and myselfe, or any two of them. This is the accompt. His Majestie, he hath renewed the commission to the L. Ch. Justice, &c.”]

The King commanded him also to say that, being “the best judge” of Yelverton's offence against himself, he had called for the words “spoken by him, and had caused him to be committed close prisoner,” but at Buckingham's request would leave to the House the words spoken against his Lordship.]—L. J. iii. 104.

L. CHAMBERLAIN. To settle the buisnes in hand in order.

SOUTHAMPTON. Fytt to be so done, but the matter of Yelverton is of such ymportaunce as yt cannot be paste over.

His Majestie understandes that, &c.

Yf yt be soe, an ymputacion lyes upon the House.

Yf yt be not soe, his Majestie is misinformed.

Moved, the speeches of Sir H. Yelverton to be considered of, and the opynion of the House to be had thereon.

<sup>a</sup> “The L. Sir J.” MS.; L only being erased.

ARUNDELL. The other day we agreed (as I conceive) that Sir H. Yelverton his speeches shoulde be sett downe, and the King judge therof. The Kinge may be the best judge, and soe yt cannot touch the honour of the Howse. May 2.  
Denied by  
many.

L. ADMYRALL. I understood that yt was moved the speeche shoulde be sett downe in wryting, and the Kinge to be judge of yt.

Yt was done, and the Clerke reade yt to his Majestie.

His Majestie wyll judge of what concernes him; you, my LL., to judge of what concernes me, and not to contradict the Kinge's message.

BANGOR. Yelverton did not dyrectly speake any thing against the Kinge's honour, but dyd dyrectly speake well of the Kinge's honour. A harde construccion was made out of some speeche of resuming of regall authoritye, and of the matter of H. Spencer. I beseech your LL. that we the BB. may be intercessors to make peace and concorde.

That a favourable construccion to be made, &c., and not to the squiesing of blood out of wordes, where a benign construccion may be made.

SOUTHAMPTON. With leave, your LL. to be judges whether I have by my wordes contradicted the Kinge's message.

PRYNCE. Yt is lefte to the Kinge's censure, bycause yt was doubtfull to the Howse, which (Southampton) conceived not to be the reason.

SHEFFIELD. The mistake is that some conceived that the Howse left the judgment of this to the Kinge. Lett us first determyne whether yt were soe conceived or noe.

PRYNCE. The Kinge hathe noe yll opynion of the Howse; he understood yt was referred unto him by the Howse.

OXON. Understood yt was noe Order of the Howse, for that (according to the Auncient Orders) a Comittee shoulde have ben to have delyvered this unto his Majestie. Auncient  
Orders.

HUNTINGDON. *Ad idem*, and Yelverton to be firste herde.

May 2.

CAMBRIDGE. I moved the other day, the Kinge to heare, &c., but yt was not put to the question, and so agreed on.

ARCHBISHOP OF CANTERBURY. Had yt ben clere and evident that the Kinge's honour had ben touched, yt had behooved us to have even flowen into his face, but whether soe or noe, a question. The Howse to be putt into a Comittee.

L. CHAMBERLAIN. The case stands thus : the Kinge hathe sent for the particulers himselfe, and conceaves that they doe touch the Kinge's honour, and he wylbe judge therof.

SAY. The other daye yt was agreed only to sett downe a colleccion of those wordes which some conceaved dyd touch the Kinge's honour, and not to referr yt wholly to the Kinge, to my best remembraunce. To be putt to the question:—

1. Whether yt were referred to the Kinge's judgment or noe.
2. Whether those wordes doe touch the Kinge's honour or noe.

RICHMOND. The Kinge hathe taken noatice of yt, and therefore, as I thynk, we cannot medle with yt.

His Majestie layes no ymputacion on your Lordships.

L. ADMYRALL. Yt was a greate mistakeing to say "to streyne blood out of wordes."

Moved the house to be a Comittee.

NORTHE. Noe, for the reason of not twyce speaking, leaste they be dryven into a heate. The Kinge may take yt into his handes by way of judicature. But yf he shall please to referr him to examine of any other, then we to be suytors to be his judge.

WARWICKE. There is an ordinaunce, that whatsoever is begunn in this House shall be determyned here.

SPENCER. Yf any man hathe enfourmed his Majestie without authority from the House, to be, &c.

PAGETT.

L. TREASURER. What I sayd before was *Dominus non ego*, what I saye nowe is, *ego non Dominus*. His Majestie tooke noatice that the booke was brought unto him, and he sawe yt, and soe he comanded me to lett you knowe. Is this any wrong to the Howse

I did not conceave him.



May 2.

for the Kinge to send for the booke of the howse ? Or for one member of the howse to be more jealous of the Kinges honour then another ? I thynke he sytts not here that can excede his fellowe in being more jealous of the Kinges honour. Yt was not determined whether this concerned the Kinges honour, but conceived that yf yt did concerne the Kinges honour, then to be referred to his Majestie, whoe can best judge of yt. His Majestie sent for the booke, &c. Agreed with Northe.

[BISHOP OF] COVENTRY. The bare wordes as they were taken by the penn when tendred to his Majestie. A Committee to move his Majestie to demand of Sir H. Yelverton his noates, and his speech, and out of that, &c.

DANVERS. In effect with Northe, and that as the L. wronged by him hathe moved, Yelverton may be tryed here for that.

SHEFFIELD. The Kinges honour to be first handled, which I conceive the Kinge woulde not have taken yt out of our handes, had he not ben enfourmed that we had referred yt unto him. A Committee to enfourme the Kinge of this.

ARUNDELL. The Kinges honour is not before us now, and therefore the wrong to the honour of the member of this house not to be delayed.

There was noe order for the enformacion to the Kinge, neither was the Kinge tolde that there was any such order of the reference to his Majestie. But yt was agreed that a colleccion shoulde be made, which was done and shewne to the Kinge, and the Kinge takes his honour into his owne handes.

SOUTHAMPTON. I conceived that yt was sayd that yt was referred to the Kinge by order of the house to be decyded. Yf you are carefull to cleere a member of this house touched by Mr. Attourney Y[elverton], be as carefull to clere a member of this house touched by a member of the howse, viz. that he contradicted the Kinges message. I herde yt twyce, and yf he that spake yt will denye yt I am satisfied.

May 2.  
I dyd not very  
well heare the  
L. Admyrall,  
and therefore  
desyre to be  
helped here.

L. ADMYRALL. I am ready to gyve satisfaccion. Shewed what he sayed, vizt. his mocion to resolve of nothing which myght be against the message. I desyre a favourable construccion. Requyred a reckoning of theis wordes, "squeisinge of blood out of wordes."

BANGOR. Protested he ment not harme by those wordes. Excused and explainned himselfe.

PRYNCE. He himselfe sayes he had noe yll meaning, but surely he layde an heavy imputation on others. Pardoned and warned to beware of the lyke herafter.

To be entred.

Agreed by the Prynce and all that yt was not the other daye referred to the Kinge to judge of Y[elverton].

NORTHE. The Kyng the other daye referred Yelverton to us. A Comittee to move the Kyng, *ut supra*.

BRIDGEWATER. We to be suytors that his Majestic woulde be pleased to comende yt to our censure, yf he shall be entended to putt yt to any other. *Prout North*.

The Comittee.

The Prynce named.

PRYNCE. I wyll goe, and you please; but this, yf yt be referred unto us, and we shall determine that this dothe not touche the Kinges honour, we shall then displease him.

Aunswered.

Yt is not yett determined.

PRYNCE. Then pardon me for going of this message, until yt be resolved.

PRYNCE. Mocion. Take the wordes into your consideracion, and yf you thynke yt doth touch the Kynges honour, then I wyll goe to the Kinge of this message.

OXON. To consider of the noates taken by the clerke, and to call for Yelverton and examine his noates with the clerke's.

*Adjournatur ad libitum.*

NORTHE. Noe question of the Kinges honour, for that we are a lytle interdicted.

May 2.

SHEFFIELD. This trencheth deeper unto us then we all conceive. A delinquent is brought before us, and, before yt was determined, resumed into the Kinges hands. Our priviledges are touched. A Comittee to move the Kinge yt may be retourned to us.

SOUTHAMPTON. The same. For the wounde of the priviledge of the House not soe greate, as that his Majestie shoulde conceive a suspicion of our zeale to his honor, havinge called Yelverton to the barre, herde him, and sett downe his examination in wrightinge.

Moved for a Comittee to the Kynge *prout* Sheffield.

L. ADMYRALL. This is a scruple that may very well be touched uppon, and therefore a Comittee to his Majestie *prout* Sheffield.

ARCHBISHOP CANTERBURY. His Majestie misenfourmed, &c.

His Majestie to be moved to leave yt unto us, &c.

L. CHAMBERLAIN.

A Comittee agreed to be.

PRYNCE. Desyre that he be not of this Comittee.

The L. Ch. Justice retourned.

DORSETT. To agree what the Comittee shall saye unto the Kinge.

Question. Whether the Comittee shalbe of the wholl House or a pryvate Comittee?

Agreed, the wholl House a Comittee.

The L. Archbishop of Canterbury to delyver the message.

The L. Chamberlain to knowe the Kinges pleasure when to come to the Kinge.

ARUNDELL. The effecte of the message to be, that wheras —

L. CHAMBERLAIN. That synce his Majestie hath once ben pleased to refer unto this house the examinacion of the cause of Sir H. Yelverton, &c.

His Lordship  
spake so fast I  
coulde not fol-  
lowe him with  
my penn.

*Adjournatur ad libitum* to the ende the message may be agreed on.

The message conceived by the L. Chamberlain:

Whereas it pleased your Majestie in a late speech of your Majesty in this house to require us to doe you justice upon Sir Henry Yelverton, in a matter concerning your owne honour, since which

May 2.

tyme some wordes have beene used by Sir H. Yelverton in this house, which your Majestie conceived rather to aggravate then extenuate his faults; whereupon your Majestie did this daie signifie by the Lord Treasurer that of what concernes your honour your selfe would be the judge. The Lordes knowing your Majesties tendernes of the priviledges of this house, and their owne zeale unto your Majesties honor, doe humbly beseech your Majestie to continue your former resolution, otherwise this alteration may strike some feare into us, that we are not held soe tender and zealous of our dutifull affections in pointe of your Majesties honor as we desire you should thinke us to be, and are most readie to yeald due prooffe thereof.<sup>a</sup>

PRYNCE. To consider the King takes himselfe wronged by Y[elverton], and whether he wyll not lose his honour yf you resolve against yt.

RICHMOND. To consider of this before the message.

SPENCER. Appeale from Cæsar *male informato* to Cæsar *bene informatum*.

I could not well  
heare him.

L. TREASURER. To presente unto his Majesty our duetye, &c.

NORTH. Add, to desyre his Majestie to suspende his opynion of Y[elverton] untill his Majesty be better enfourmed.

Agreed to proceede in the buissines of the L. Chauncellor to morrowe mourninge.

SOUTHAMPTON. The L. Chauncellor to have noatice and warninge to be here then to heare his sentence by 9. The colleccion of the charges, proofes, and confession, to be considered of by a Comittee.

ARCH. CANTERBURY. The Lower House to have noatice that they come to crave judgment.

Agreed the Gentleman Usher and the Serjeant at Armes to warne the L. Chauncellor, and to brynge him hither.

The house resumed.

<sup>a</sup> Printed with slight verbal differences in L. J. iii. 104.

CAMBRIDGE. A Committee to be named for Sir John Bennett.

May 2.

The 3 Committees for the L. Chauncellor to be the Committee for the cause of Sir John Benett, and the L. Scrope added.

Agreed.

The message in wrightinge to the Kinge to be delivered to the L. Arch. Canterbury. The Usher and Sargeaunt to sumon the L. Chauncellor to appere here in person to morrowe by 9. All the Judges to be here in their robes, save 1 in each Courte. The Lower Howse to be sent for. The Sergeaunt to carry his mace, and to shewe yt him, but not to carry yt before him as he did when he had the seale.

This was delivered to them at the barre by the L. Chief Justice.

*Adjournatur* to 9 to morrowe.

DIE JOVIS, 3 MAII, 1621.

May 3.

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L. CHAMBERLAIN. His Majestie appoynted Soday in the afternoone at 4 of the clock.

Reporte.

WARWICK. A president, all thinges moved or to be moved in this Howse shall have a fynall determination here, concerning the peres of the lande.

The Gentleman Usher and Mr. Sergeaunt. That they find the L. Chauncellor is sicke in bed. He aunswered that he is so syck that he is not able to repare hither; that this is noe excuse, for yf he had been well he woulde wyllingly have come.

Report.

RICHMOND. The charge and confession of the L. Chauncellor to be reade and compared.

Yt was reade *per* Mr. Attourney at the clerkes table.

L. CHIEF JUSTICE. First to knowe orders:—

1. Whether to mencion the rejceccion of the former imperfecte aunswere.

To resolve on this, after the sentence agreed on.

2. Many wytnesses examined; whether to take noatice of these examinacions, or the second submission.

Of bothe.

3. Whether to convict him upon every particular, or the generall.

*Super totam materiam.*

May 3.

Question: Such of the LL. as are of opynion that the L. Chauncellor is gyilty of the offences as he hathe ben charged withall, &c. to say Content.

The question being putt they all agreed that the L. Chauncellor is guyltie of the matters wherewith he is charged, *nemine dissentiente*.

The L. CHIEF JUSTICE. That they proceede to speake of his punnishment.

The Clerke to take noates of every man's opynion for the kynd of the punishment.

HUNTINGDON. The Howse to be adjourned *ad libitum*.

PRYNCE. A president of former chauncellors, the lyke offence, and what punishment hathe ben afflicted on them.

ARUNDELL. This mocion good yf there be any such presidents.

L. CHAMBERLAIN. Michaell de la Poole questyoned for changing of landes with the Kinge.

HUNSDON delivered some noates of judgments against Poole, Thorp, &c. Reade, and he receaved the noate backe.

*Adjornatur ad libitum.*

WENTWORTHE. Yf Poole his case concernes this, to be reade to the Howse.

SPENCER. The Kinge sayd he would make yt a pressident to posterity. Not to trenche to lyfe, bannishment, &c.

ARUNDELL. His offences fowle, his confession pyttiful. Life not to be touched.

Agreed on. L. CHAMBERLAIN. A fine, ransome, and ymprisonment.

Well lyked of. SHEFFIELD. Not to be capable hereafter of any office of judicature or Counsellor's place.

Not agreed on. SAYE. To be degraded during lyfe, for unfytt to sytt here agayne amongst us.

ARUNDELL. Not to be degraded.

L. CHAMBERLAIN. To flyne, ransome, ymprisonnement. Un-capable of any public office, &c. Not to be degraded.

SOUTHAMPTON. We cannot guyde our sentence by any pressi-

May 3.

dent, to make an example of this such as posterity may gyve us thanks for. Bannishment, or not? Degradacion? Opyinion that he is fytt to be degraded, being made uncapable of any office in the State or Comonwelth. At the least to be degraded during lyfe, and bannished from ever coming nere the Courte.

RICHMOND. Against degradacion.

SPENCER. A man may be attainted and yett his honor remayne, and alledged pressidents of many.

SAY. *Prout antea pro vita.*

L. CHAMBERLAIN. Putt yt to the question whether to be degraded *durante vita*.

SOUTHAMPTON. Not to be bannished, though worthy.

L. TREASURER. Fyne, &c. Noe honor touched here, but by way of losse of office, &c. Bill only.<sup>a</sup> Agreed with the L. Chamberleyn.

CAMBRIDGE. Agrees to all save degradacion, for that he hathe made so clere and ingenuous confession, which men of his sorte doe not. Agrees with L. Chamberlain.

PRYNCE. Agrees with Cambridge.

CAMBRIDGE. The L Chauncellor never to sytt here, nor come nere the Courte.

ARUNDELL. *Idem cum* L. Treasurer, not to be degraded here, which is not usuall but by way of bill. To be put to the question.

DURESME. Not to be degraded, as he may remember from whence he hath fallen.

SOUTHAMPTON. Whether he whom this House thynkes unfytt to be a constable shall come to the Parlement?

He never to come to Parlement agayne.

Agreed.

L. ADMYRALL. The L. Chauncellor soe syck that he cannot lyve longe.

SOUTHAMPTON.

The House resumed.

<sup>a</sup> The words "Bill only" are written between the lines without any indication where they are to be inserted. Mandeville said, I suppose, that if they had intended to touch honour they should have proceeded by bill.

May 3. L. CH. JUSTICE. Question, whether the L. Chauncellor—  
 Agreed. L. CHAMBERLEYNE. We agree he loose his place in Parlement during lyfe.

Question. Whether the Viscount St. Albans shalbe suspended of all his tytles of nobilitye duringe his lyfe, or no ?

Agreed *per pluries*, not to be suspended, &c.

1. The fyne and ransom 40,000 li.
2. Ymprisonment duringe the Kinges pleasure in the Tower.
3. Uncapable of any office, place, or ymployment in the State or Commonwelthe.
4. Never to sytt in Parlement, nor to come within the verge of the Courte.

Put to the question, whether theis punishments above shalbe inflycted uppon the L. Viscount St. Alban or no ?

Agreed. *Dissentiente* L. Admyrall.

[The Commons sent for, and judgment delivered on Viscount St. Alban's.—L. J. iii. 106.]

Michell to be here to-morrowe in the afternoone, and to be censured.

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DIE VENERIS, 4 MAII, 1621, POST MERIDIEM.

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May 4. The offences wherewith Sir Francis Michell is charged, 26 April, 1621, was reade.

*Adjournatur ad libitum*, that Mr. Serjeant Crewe myght open the offences and the profes, and the LL. resolve what sentence they woulde passe uppon him.

The Clerke reade the charge and profes, and the Sergeant opened the same.

The House is resumed.



May 4.

The House beinge resumed:

Question. Whether Sr Fraunces Michell be soe guyltye of theis offences or any of them charged uppon him, that he is worthy to be censured or noe?

Agreed by all, *nemine dissentiente*.

NORTHE. Michell offence not to be compared with Mompesson, &c. Thynkes him worthy of ymprisonment, not to be fyned.<sup>a</sup> Disable to beare any office hereafter in the State or Commonwelthe.

SHEFFIELD. To be degraded.

WALDEN. *Ad idem*.

PRYNCE. Not to be degraded. To be fyned, though poore. The Kinge may mytigate yt.

CAMBRIDGE. *Ad idem*.

SAY. His testimony not to be taken in any courte.

ARUNDELL. Not to be degraded.

SOUTHAMPTON. To be degraded.

ADMYRALL. Not to be degraded.

SPENCER. To be degraded; for that his M[aste]r (Mompesson) was degraded.

BANGOR. Yf so poore that he cannot paye his fyne, yt is a shame for him to be a knight.

ARCH. CANTERBURY. To remember this cause comes from the Commons, and greate expectacion of the sentence.

To be degraded.

Question. Whether Sr Fra. Michell shalbe degraded of his knighthood for parte of his punishment or noe?

Agreed. To be degraded.

[The Commons summoned, and judgment delivered.—L. J. iii. 108.]

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DIE SABATHI, QUINTO DIE MAII, 1621.

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HUNSDON. The comittee for the Bill against informers.

May 5.

<sup>a</sup> These four words are repeated twice in the MS.

May 5.

L. CHAMBERLAIN. Commended the concurrence betwene the Commons and the Lords. They, the Commons, have used to complayne; the LL. examine and judge. Yf this be broaken, he doubtbes of the successe. The Commons have convented Flood, examined him, and sentenced him, and entred this as an Acte; which may trenche into our priviledges. Yf they have, we to consider of yt, and not to aggravate against them.

Yf a subsidy be propounded here though to his Ma<sup>ties</sup> greates good, &c. yett we take a wronge course; for yt is to be begun belowe.

Moved, for a conference with them in the kyndest fashion and manner.

ARUNDELL. Gett a cotype of the sentence.

NORTHE. Howe come we to the noatye of yt?

ARCHB. CANTERBURY. *Ad idem* with L. Chamberlain.

Yf yt appere upon oathe, the delinquent is worthy of a greate punishment; but, the question is, by whom yt is to be layed? They not to entrench into your prerogatyves. A conference in a temperate, kynde manner. Publike fame sufficient noatye.

L. TREASURER. We may take noatye, because yt is in their recorde.

SOUTHAMPTON. To signifye unto them the ende whye the conference is requyred, as they may come prepared.

SAYE. The message to be sent in wryghtinge, and the caryage of this buissines to be such as may not distast them.

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[The remainder of the morning sitting was occupied with the appointment of Committees, &c. and messages between the Houses on the conference about Floyd's sentence. —L. J. iii. 110.]

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5 MAII, 1621, POST MERIDIEM.

Prayers.

*Adjournatur ad libitum.*

MR. SERGEAUNT CREWE opened the proceeding in Parleмент A<sup>o</sup> 1 H. 4, against R. 2. that the Commons assented unto the same,

and afterwarde made peticion unto the Kinge in Parlement, shewing that they are but peticioners and the LL. judges. May 5.

The wholl House went to the conference with the Commons into the p[ainted] ch[amber].

At their returne the House was resumed, and the L. Ch. Justice went to the place of speaker.

L. ARUNDELL. A colleccion to be made of what hath ben sayde at this conference.

SHEFFIELDE. The most parte of the Commons did dissavow the most parte what Sir Ed. Cooke spake.

PRYNCE. Wee to take noe noatice of that, for they yielded and came to a free conference.

L. CHAMBERLAIN.

ARCHBISHOP CANTERBURY. } *Ad idem.*

SOUTHAMPTON. The Judges and Kinges learned counsell to consider of the same colleccions. Agreed.

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### LUNÆ, 7 MAII, 1621.

[Various business. Report by the Archbishop of Canterbury that the King remits Yelverton's case to their Lordships.—L. J. iii. 112.]

NORTHAMPTON. Putt them in mynde of the tyme. There be 2 buissines in hande, the one that of the Lower House and this; the other, this of Sir H. Y[elverton's]. May 7.

CANTERBURY. For that of the Lower Howse, we are to expecte to heare from them.

L. CHAMBERLAIN. We must firste sende to them, for we propounded the matter to them; we have their aunswere and are to replye.

SHEFFIELD. To agree on a tyme for a conference.

PRYNCE. The Kinges counsell to delyver what they have done touching the presidents alledged by Sr Ed. Cooke the other day at

May 7.

the conference (according to our agreement in Satterday last p. m.)  
 NORTHE. That of Sir H. Y[elverton] and the Kinges honour  
 to be firste determynd, and a tyme to be agreed for his apperance  
 here.

ARUNDELL. To appoynt a tyme only.

Agreed.

L. CHAMBERLAIN. Emerson to be sent for firste, and sworne,  
 and the buissines prepared.

The clerke gave noatice of this under his hande to Mr. Maxwell.

SERGEAUNT CREWE. That he and Mr. Attourney attended the  
 judges to enfourme them of the noates taken at the laste conference.

*Adjournatur ad libitum.*

Not to be entred  
 but omytted.

To the ende the L. Ch. Justice as L. Ch. Justice, and not as  
 Speaker, myght make reporte therof, whoe reade yt out of his  
 wrytten paper, that the clerke myght not mistake him.

Yt conteyned the opynion of him and the other judges touching  
 the judgment against Flood by the Commons.

NORTHE. The presidents to be consydered of ; for so his Lord-  
 ship conceived they agreed on Satterday last, and not to be referred  
 to the judges.

SAY. *Ad idem.*

SOUTHAMPTON. Yt was not ordered that this matter shoulde be  
 referred to the judges opynion.

Not to be men-  
 tioned.

Agreed, the delyvery of the opynions of the judges not to be  
 entred, nor accepted of, but to be as yf it had not ben.

PRYNCE. Their presidents were twoe: that the Lower Howse is  
 a Courte of Recorde touchinge the members of their owne Howse,  
 and in those cases they have ministred the oathe.

L. TREASURER. They prooved they were a Courte of Recorde.

1.

2.

3.

4.

As for the presidents out of lawe cases, they proove that they  
 have determined as a Courte by themselves, where the cause hath  
 concerned a member of their Howse, or the priviledges therof.

The question is not whether they be a Courte of Recorde or noe. May 7.

1. An oath taken alledged. Yt was by a Master of the Chauncery.)
2. Punishment, that was concerning a member of that Howse. } They proved.

PRYNCE. What a Courte of Recorde is?

ARUNDELL. Not to handle whether the Lower Howse be a Courte of Recorde or noe, but whether this which they have done may be justified by any president.

MR. SERGEAUNT CREWE opened the noates taken by the L. Archbishop of Canterbury and the L. Treasurer. The firste part consisted of Sr Edwyne Sandes his speech, whoe spake only of a possessory right, desyred to — He left the prooffe thereof unto Sr Ed. Cooke.

Sr Ed. Cooke first defyned what a Courte of Recorde is, and then averred that the Lower Howse hathe ever had all those rights w<sup>ch</sup> belonge unto a Courte of Recorde, [*er*]go yt is a Courte of Recorde. He alledged presidents, viz<sup>t</sup>.—

ARUNDELL. The case of the Commons sentence against Flood to be sett downe, and to be consydered of, and then to lett them knowe that we fynde ourselves wronged by them in this poynte of judicature, and they dyd not satisfye us by those pressidents they delyvered the last conference.

PRYNCE. *Ad idem*, and a re-conference to be prayed.

Agreed.

L TREASURER. At this seconde re-conference to handle this only, that they have no power of judicature, nor coercion against any that are not members of ther Howse, and not to medle whether they be a Courte of Recorde or noe, or can minister an oath and inflict punishment for any matter concerning themselves.

SOUTHAMPTON. *Ad idem*, to handle only this poynt of judicature, wherein they have wronged us. This to be done friendly as with brothers. A re-conference with the wholl Howse. Consider the yssue of this second conference. At the last we receaved presidents and reasons. But they concerned members of their owne Howse only, and matters thereto incident. At the next meeting to lett them knowe that this facte cannot be warranted by any of their

May 7.

pressidents or reasons. He fears that a generall conference wyll not well ende this matter. To move that a small Comittee of theirs may meet with a small Comittee of ours, to consider and determine howe this may be ended without wrong to us, and least touch to them.

ARUNDELL. I agree with the desyre to ende all in love, but I believe them not to be a Courte of Recorde. Not to meddle with yt. To lett them knowe that judicature belongs only unto us; they have encroached upon us; and knowe what satisfaccion they wyll gyve; for we are not satisfied with those pressidents and reasons they have alledged.

PRYNCE. *Ad idem.*

DURESME. The word satisfaccion not to be used, but that they lett the buissines of Flood be lett fallen, and they to proceed no further in yt.

PRYNCE. That they recorde yt not, and yf yt be recorded to have yt taken of the recorde.

SOUTHAMPTON. A generall Comittee not soe fytt to handle this. At a small Comittee we may argue yt more freely, and sett downe a course between us both for the friendly endeing of this buissines.

NORTHE. *Ad idem*, but not to be tollde them that we are not satisfied, &c. A Sub-committee.

ARUNDELL. Resolve on a re-conference. Then to lett them to knowe our grievance, and see what they wyll propounde.

SHEFFIELD. That they may have authority to name a Sub-committee at the re-conference, yf neede be.

CAMBRIDGE. The Commons to requyre a Sub-committee, and not we.

PRYNCE. Lett the Commons propounde a means to gyve us satisfaccion.

Question: Whether they shall seek to gyve us satisfaccion or wee them, they having don us wronge?

CAMBRIDGE. A Sub-committee wyll best ende this, which yf the Lower Howse wyll not move, we not to begge yt.

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NORTHE. Difference between begging and propounding.

WALLDEN. Noe prejudice to us to propounde yt.

L. TREASURER. Their sentence is entred, and they saye they have noe power to reverse yt, yf erroneous, as in the case of Sir II. Goodwyn, to remedy this in a gentle manner, either by bill, or the cause to be brought before us by *habeas corpus cum causa*, or the case to be transacted to the Kinge, and he to determyn yt.

SUFFOLKE. A Sub-comittee to be propounded.

COVENTRY. *Ad idem*.

The House resumed.

<sup>9</sup> [Various business. Message to the Commons for another conference. "Put to the Question: Yf the Comittees of the Lower House at the Conference to-morrowe doe not desyre a Sub-comittee, then the LL. to propounde yt, yf neede be. Agreed, *per pluries*, the LL. to propounde yt yf need be."—L. J. iii. 113.]

8 MAII, 1621.

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[Examination of Emerson.—L. J. iii. 115.]

ARCH. CANTERBURY. 2 matters Sir H. Y[elverton] chargeable: 1. His former speech. "I suffer at this day;" 2. His speeches here the other daye. Moved Mr. Attourney to open them bothe.

PRYNCE. The Kinge conceaves that Y[elverton], by the explanation in his 2. speech of the former, hath aggravated the former.

Mr. ATTOURNEY opened the speeches:—

1. Parte of the cotype of the charge, and the noates in the margin wrtten by Sir H. Y[elverton].

2. The original noates wrtten by Sir H. Y[elverton] himselfe. This was all read.

3. The speech abstracted out of those noates by himselfe, and sent to the King, to be the same which he spake in this House, and woulde have spoaken yf permitted.

PRYNCE. That the LL. proceede either to clere Sir II. Y[elverton], or to condemne him.

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ARUNDELL. Tyme not to consider of every particular, but to consyder whether he hathe offended the Kinges honour or no.

SOUTHAMPTON. The Kinges Attourney to collect out of what hathe ben reade that which the Kinges honour—

Mr. ATTORNEY. Sir H. Y. is sentenced for a breache of trust comitted to him, and whatsoever he hathe spoaken against that sentence touching the Kinges honour.

Speake to Mr. Attourney for his noate, to sett down theis objections the better.

1. He was sentenced to a fyne. 2. to be ymprisoned.

3. Not fytt<sup>a</sup> to be attourney.

His speech is:—1. That he was faithfull to the Kinge, and sought noe other riches, and beinge charged for passing a patent grievous to the subject ———

2. His Majesties displeasure woundes me deeper then the censure of either of thies factes, yet I had rather dye then the commonwelth should receive a scrache from me.

The message brought me, &c.; my opposing, &c.; theis have been my overthrowe, &c.; I cannot but bemoane, &c.; I suffered for the Inns at this daye, not mynding to saye yt, but knowinge that I am the worse by the L. of Buckingham by 20,000 li.

L. CHAMBERLAIN. This losse could not come by anything but the sentence.

SHEFFIELD. *E contra.*

SPENCER. The prisoner to be at the barre to aunswere for himselfe.

Agreed per many.

PRYNCE. *E contra*; for we have his wordes and are to judg upon him. To proceed against him for the wordes spoaken by him, and not for any newe matter. All spoaken by Mr. Attourney to be as yf they were not spoake.

L. CHAMBERLAIN. Not to censure him now. The question is, whether the wordes which we all agree to be spoaken by Sir H. Y[elverton] in this Howse doe touch the Kinges honour and deserves to be censured?

<sup>a</sup> "Not unfytt" MS.



May 8.

SHEFFIELD. First to agree uppon what poyntes of his speech } Q[uaere]si enter  
to thynk him worthy of censure. } this.

L. TREASURER. Not to judge him untill we heare him, &c. for any newe matter, &c.

Question. Whether Sir H. Y. dothe deserve some sentence for that which he hathe spoaken here?

Whether the words uttered here by Sir H. Y. not streyned but taken as they were spoaken by him, doe touch the Kinges honour or noe?

PRYNCE. The Attourney to drawe a colleccion of Sir H. Y. speeches; the bare naked wordes, and those to be offred to the Howse another daye.

SPENCER.<sup>a</sup> *Dyvers LL. having spoaken, moved that Y. might be called to his aunswere.*

ARUNDELL. *That that is not necessary, for that we have his wordes.*

SPENCER. *That he (meaninge Arundell) may least worste speake against this mocion, for (2 of his ancestors) the Duke of Norffolk and Earle of Surrey were attaynted here in parlement unherde.*

ARUNDELL. *My ancestors dyd the Kinge as good servyce before at that tyme as that Lordes ancestors dyd when they kept sheepe.<sup>b</sup>*

<sup>a</sup> The words in italics are carefully though not irrecoverably deleted with a thick pen-stroke in the MS. The evident intention was to draw a veil over the scandal.

<sup>b</sup> The following account of the dispute, with Arundel's subsequent submission, is from the State Papers. Dom. cxxi. 15.

The words spoken that day by the Lord Spencer.

The Lord which spake last might worse speake against this motion of any man in this House, for that two honorable persons of his auncestors, the Duke of Norfolke and the Earle of Surrey, were condemned heare in parliament unjustly without being heard.

The words spoken that day by the Earle of Arundell.

My Lords I doe acknowledge that my ancestors have suffred and it may be for doinge the Kinge and country good service, and in such time as (when) perhaps the lords auncestors that spake last kept sheepe.

The submission to the House.

Whereas I did my Lord Spencer wronge in some words uttered in this House in heate  
CAMD. SOC.

May 8. *Dyers, that Arundell myght be called to the barre. This debate*  
*Ordered. between the 2 [L.L. to be concealed and the same to be ended her and*  
*not ells where.*

Mr. Attourney read, that he suffres at this day for that patent as  
 he takes yt.

*Adjournatur to 3 post meridiem.*

# 8 MAIL, 1621, POST MERIDIEM.

Ordered, the Archbishop to begynn at the conference.

Q[uære]si.  $\left\{ \begin{array}{l} \text{L. Treasurer} \\ \text{L. Chamberlain.} \\ \text{E. of Southampton} \end{array} \right\}$  to argue and dispute.

For an intro-  
 duccion.

SOUTHAMPTON. To lett them knowe, that the presidents shewed  
 the last day gyves us noe satisfaccion; to demaunde of them  
 whether they can delyver any thing nowe more stronge on their  
 parte; yf they doe, to heare them.

DIGBY. We not to invyte them to saye any more, but yf they  
 shall say any more, we to heare them.

SHEFFIELD. Agreed on the other daye, that yf they demaund  
 not a Sub-comittee, we to propounde yt to them.

SUFFOLK. *Ad idem* with Southampton.

PRYNCE. The introduccion to be as Southampton, and we to  
 be only hearers.

NORTH. A free conference.

Agreed. ARUNDELL. At this conference to balk whatsoever concernes  
 the Lower Howse; to stand only upon the judicature which  
 belongs not to them, and to tell them.

CANTERBURY. To doe his best to maynteyne love, to tell them  
 and by mistaking, and by those have given this House just cause of offence, I am sorrye  
 for it, and humbly desire the Howses pardon.

Satisfaction to the Lord Spencer.

My Lord, I confesse that upon mistaking of your words I did you wronge. I am sorry  
 for it: I praye forgive and forgett.

that the presidents produced the other daye doth not prove their judicature, and desyre them that yf they have any thing worse to say, that nowe they lett us knowe yt.

May 8.

ARUNDELL. To stande upon the judicature

SHEFFIELD. The judicature is not expected to be ended this day; we to propound any thing that may tende to a gentle ending therof.

Agreed.

[Sub-committee named. Adjournment for the Conference.—L. J. iii. 116.]

The House resumed.

CANTERBURY. After the introduccion they propounded a Sub-committee. Yt is thought fytt that we sende them worde of the number of our Comittee, and the tyme and place.

SHEFFIELD. They wyll sende to us first, after they have power from their Howse to accept of a Sub-committee.

CAMBRIDGE. They expecte a message from us.

DANVERS. *Ad idem.*

SAY. *Ad idem.*

DIGBY. 1. To knowe whether yf the Sub-committee of the Commons renewe their defense of judicature, we to accept therof by way of dispute, or wayve yt.

To wayve yt, and to holde them to an accomadacion of yt.

Agreed.

*Adjournatur ad libitum.*

The house a  
Comittee.

2. What other course to take with them.

SHEFFIELD. At this Sub-committee they be urged to shewe us further reasons, yf they stand uppon the judicature.

SUFFOLK. The Sub-committee is for accomodacion, and therefore not to be streightned.

L. CHAMBERLAIN. They makinge this mocion of a Sub-committee for accomodacion, and therefore they to propounde some way of yt.

PRYNCE. The Sub-committee to be lymitted thus farr, nor to yield to any thing that this which the Commons have done may in tymes to come be a pressident to wronge our priviledges.

To be ordered  
a lymitacion  
for the Sub-  
comittee.

[Message from the Commons that they will meet with a Sub-committee.—L. J. iii. 116.]

May 9.

MERCURI, 9 MAI, 1621.

[Witnesses against Sir J. Bennett sworn.—L. J. iii. 116.]

The petition of Sir W. Bronker read against Awbrey.

The petition of Awbrey and others read allso.

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E. of LINCOLN. Brought in the byll against drunkards as fytt to be paste. Yett because so fewe of the LL. were present, yt was putt to the question whether to be reade or noe. Agreed to be read *per pluries*.

*Expeditur.* *Hodie, 3<sup>a</sup> vice lecta est billa.* An acte to repress drunkerds; and beinge putt to the question yt was assented unto.

STAFFORDE. Against the bill, bycause the conviccion is but by one wytnesse, and therefore he wysshed yt noe passage.

SAYE. Shewede the inconvenience of the other bill, which 2 wytnesses were requyred, [*er*]go *e contra*.

PAGETT. Read a petition of Sir John Bennett for to examine uppon cross interrogat[ories].

Rejected as nowe, till the house be fuller.

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*Adjournatur* to Satterday mourning at 8.

Memorandum. That when a Comittee brynges in a byll which they thynke fytt to passe, they delyver yt to the Speaker. Then the Clerke goes and takes yt of the Speaker; yf they brynge in a proviso to be added, then the Clerke reades the proviso once, and carryes yt to the Speaker, whoe relates yt to the LL. Yf the Howse lyke of the proviso, the Clerke takes yt of the Speaker, and reades yt agayne, and then caryeth yt agayne to the Speaker, and uppon the Speakers seconde relation of yt, yt is ordered to be engrossed.

SABATH, 12 MAI, 1621.

May 12.

STAFFORDE. Putt their LL. in mynde of the degradacion of Michell.

The Order of 23 Marcii, 1620, concerninge Edw. Egerton's petition.

[Report from the Conference of the Sub-committees of the Houses, with the agreement come to on the question of judicature.—L. J. iii. 119.]

B. LINCOLN. Putt the LL. in mynde of Sir H. Y[elverton's] buissines, for that, when the Kinge ment to be judge therof himselfe, the LL. besought his Majestie not to take yt out of the LL. hands.

L. ADMYRALL. *Ad idem*, and to putt yt to the question where we lefte the other daye, whether the wordes spoaken by Sir H. Y. dyd touche the Kinges honour or noe?

SHEFFIELD. Sir H. Y. to be herde first, and there we left the other daye.

Dyvers *pro et contra*.

COVENTRY AND LICHFIELD. The wordes are scandalous, what soever the meaning is, but to be herd for the meaninge.

ARUNDELL. Sir H. Y[elverton] is not judged unherde. He spake the wordes openly in the Howse, he had tyme to explayne himselfe, and his speech we have yt in wrightinge; the question to be, whether these speeches touche the Kinges honour or noe?

DENNY. Question to be of his first speech "I doe suffer," &c. in the explanacion of the same, he acknowledged the sentence just, and that he suffred not for the same but in his estate for his opposicion to Buckingham. The question to be of the first speech, and the exposicion, but not of any other, touching that of Hugh Spencer, &c.

L. TREASURER. The question, whether in that which we have herde proceeding from Sir H. Y[elverton] the Kinges honour to be touched or noe? Before I wyll judge him, I wyll heare him speake how he wyll explayne himselfe.

May 12.

L. CANTERBURY. Yt is not nowe the tyme to judge. We shall all agree uppon yt, that Sir H. Y[elverton] spake indiscreetly, impertinently, and with much tartenes.

The Kinge hathe declared himselfe to be touched in his honour, that only to be the question. We to heare him before we censure him.

DORSETT. Yf we saye yt toucheth the Kinges honour, and afterwards, when we have herde him, and he gyve us satisfaccion by way of extenuacion, &c. howe shall we unsaye that?

SOUTHAMPTON. *Ad idem*, for we cannot revoake, &c.

Yf we saye that this toucheth the Kinges honour, yt differs not much from treason, and soe the censure must be heavye and deepe. I condempne him of much folly, &c. and thynk him worthy to be censured, yf he had spoaken anything which doth touch the Kinge in his honour; but, &c. to consider of the words before we saye the Kinges honour is touched.

ARUNDELL. DiffERENCE betwene contempt and treason.

SUFFOLK. Censure Yelverton of folly, but touch not uppon the Kinges honour untill he be herde, &c.

ARCHB. CANTERBURY. With leave, the question, whether Yelverton be not fytt to be censured of a greate contempt.

SOUTHAMPTON. Sir H. Yelverton to be herde, &c. to leave a possibyllity for him to cleere yt, yf he can.

Question. Whether we doe not thynk him worthy to be censured uppon the wordes as they lye nowe, for the Kinges honor?

SAYE moved that he myght first understande whether the wordes doe touche the Kinges honour or noe?

The L. CH. JUSTICE propounded the question, whether the wordes spoaken by Sir H. Yelverton doe appere unto us to touch the Kinges honour or noe?

1. Whether we conceave that the wordes spoaken by Sir H. Yelverton in this House doe touche the Kinges honour or noe?

2. Whether theis wordes, delyvered by Sir H. Yelverton, as we conceave them, may touche the Kinges honour or noe?

1. Whether the words, or any of them, spoaken by Sir H. Yelverton in this House doe touch the King's honour, as we yett conceive? May 12.

2. Whether the words, or any of them, spoaken by Sir H. Yelverton in this Howse may touche the Kings honour, as we yett conceive?

Before the question was putt, the Howse was moved to determyne Agreed. that they are not concluded by assenting unto either of the 2 questions, but that they may alter their opynions uppon the hearing of Sir H. Yelverton.

And, before the questions were putt, yt was putt to the question, whether these shoulde be a double question or syngle.

Agreed, to be a syngle question, *per pluries*.

The first question agreed unto, viz.:—

Whether the wordes, or any of them, spoaken by Sir H. Yelverton in this Howse doe touche the King's honour as we yett conceive?

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SOUTHAMPTON. That the L. Chancellor is not yett gone to the Tower; moved that the worlde may not thynke our sentence is in vayne.

L. ADMYRALL. The Kinge hathe respyted his going to the Tower in this tyme of his greate sicknes.

SHEFFIELD. A warrant from the House to comitt the late L. Chancellor to the Tower.

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LUNÆ, 14 MAII, 1621.

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MR. ATTORNEY read the colleccions against Sir H. Y[elverton], beginning with the sentence in the Starr Chamber, &c. in Michaelmas terme, 1620. May 14.

Sir H. Y[elverton] at the barre.

The clerke showed him a lytle booke penned by him of his speech

May 14.

here 30 Apr. sent by him to the Kinge. He acknowledged yt to be his hande wryghting, but 4 or 5 dayes after his speech: but cannot remember whether he spake all therin conteyned or noe.

Desyred to be judged uppon the wordes which he spake, and not what he hathe wrytten.

The clerke shewed him also the peticion sent to the Kinge, and reade this 14 of Maye, which he acknowledged.

Mr. Attourney shewed that Sir H. Y[elverton] delyvered the book as his speech.

Agreed, that, yf there were any materiall difference between his speech in the Howse and this booke, Sir H. Yelverton should be asked the question of that particularly.

Theis wordes demaunded of the prisoner at the barre, "Above 20,000<sup>li</sup>."

1. He thynkes he did not use yt publiquely; 2. He thynkes he dyd not speak yt all.

Mr. ATTORNEY begann, and opened the scandalous speeches:—

1. Against the Kinge by Sir H. Y[elverton]. He opened his case at the tyme of his speech, viz. his sentence in the Starr Chamber for the breach of trust, viz. 1. Ymprisonment; 2. Fyne; 3. Uncapable of the Attourney's place.

2. He was questioned here the 18 of April last, and the charge touching the Inns being read, he sayd, &c. and that he suffers for that patent at this daye as he takes yt.

3. He had liberty 30 April to aunswere agayne after longe advysement, accesse to his chamber, and to his house, and liberty to conferre with whom he woulde. He knewe yt, and mencioned in his seconde speeche that the Kinge tooke noatice of the firste. He dyd advyse to the full, and we wyll charge him with nothing but what uppon premeditacion he had before hand wrytten downe.

The charge out of his speeches, 18 April, 30 April, out of which wyll appere scandall,

- |                        |                 |
|------------------------|-----------------|
| 1. Against the person  | } of the Kinge. |
| 2. Against the justice |                 |
| 3. The government      |                 |



1. For that which concernes the person of the Kinge he makes himselfe an humble and faithfull servaunte. That their procedes from the Kinge to this faithfull and humble servaunt; 1. fears many;
2. terroures that wounde.

May 14.  
Person, 1.

Here worde was brought that a message was come from the Lower House, the gentleman usher wyllled to lett them knowe that the L.L. are in the middest of an ymportaunce concerning the Kinge which we cannot breake of, and feare wyll holde them longer. Yf their message be not of greater ymportaunce, L.L. pray them to have patience awhile, or retire, and they shall have noatice when this buissines is done.

Not sente.

A taxe layed on the sentence in the Starre Chamber, which was for breach of trust, not only tending to the prejudice of the King, but comon weale.

2. Justice.

R<sup>o</sup>. He sayeth he was feithfull to the Kinge, and had rather dye then the comon welthe suffer soe much as a scratche for him.

That Sir H. Y[elverton] applyes all the effectes of this sentence to another cause, for when at the first day he sayd "I suffer," &c. whoe can apply to any thing but that sentence? Yf doubtfull wordes be crept into his seconde speeche, &c. which may cleere yt.

2. Ruynes.

3. Overthrowe.

I wyll expound his charge by this, viz.:—

4. Losse of 20,000 <sup>li</sup>.

Noe cause can be assigned for theis sufferings but the sentence in the Starr Chamber, by tollerating and admitting the abuses of a Hugh Spencer, which abuses in his speech are sett forthe to be, viz.:

3. Government.

1. He was wood <sup>a</sup> to consent to the patent of Inns.

2. A message by Emerson from Mompesson.

3. The message by Mompesson.

4. Resuming of regall power, &c.

5. Danger of a by blowe, to be hewen downe.

6. Hugh Spencer mencioned.

<sup>a</sup> Wooded.

May 14.

By theis the abuses of Hugh Spencer are fastened upon the L. of Buckingham.

They reflecte upon the Kinge, bycause L. Buckingham is soe neere the Kinge.

He (Buckingham) could not doe this without the Kinge, but yt followes —

1. The profit of his place diverted.
2. Fatall to his clyents.
3. The connexion of all this, suffer, ruyne, overthrowe, losses.

For honour which concernes yourself not much precisenes for the averrment and prooffe.

For scandall, glaunces, equivocall wordes, &c. are to be punished and have been in the Starre Chamber.

Noe interpretacion of a scandal uttered.

Sir H. Y[elverton] came as a delinquent, and dyd recriminate, which is punishable in the Starr Chamber, yf the defendant dothe recriminate the plaintiff in his aunswere, but to recriminate a third person worse, especially yf impertinent, more yf false.

The messages:

1. From Emerson.
2. From Mompesson.

Conclusion. Punishment according to the offence.

Mr. SERGEAUNT CREWE. He wyll sett down the wordes taken and spoake by Sir H. Yelverton.

1. Suffer for the patent of Inns at this day as I take yt.
2. His qualificacion synce.
3. Buckingham ready at the Kinges handes upon any displeasure to hewe him downe, which cannot but reflecte upon the Kinge.

4. The messages:

1. By Emerson.
2. By Mompesson.
5. Royal power resumed.
6. Hugh Spencer's articles.

He founde theise messages in parte trewe. 1. penall to him. 2. May 14.  
fatall.

His opposicions to Buckingham, his overthrow.

7. Overthrowe, which cannot be understood but by the sentence in the Starr-Chamber.

8. Justifyeth his 1. feith to the King. 2. His care the subjecte tooke noe losse by him.

L. CH. JUSTICE wylld Sir H. Yelverton to aunswere.

Sir H. YELVERTON. That by his close inprisonment he knewe not of the buissness on this day. Desyres that his sodyne aunswere be not misinterpreted. My happines to be tryed here. My mysery doth more surmount that his Majesty is drawn in to be a party. My comfort that this hath ben handled before your LL. before nowe.

1. I humbly entreate this favour, to marshall my wordes as they were delivered by me and not to misplace them. Yt pleaseth the Kinges Councell to drawe me into a 3 ffolde dyvision, fyttter for a criminall courte.

1. That I touched the person of the Kinge by theis wordes, viz.:

Compassed about with many terrors from his Majesty.

I explyne yt thus, that what came from his Majesty is most just, and so I acknowledge yt. But, having herde not long before that his Majesty had taken notice of many of my offences, I sayd (beging) I was compassed with many terrors, for that I knewe not which way to gyve him satisfaccion.

Yett I acknowledge his Majesty's —

2. The Kinges justice.

His Maj<sup>t</sup> approved my opposicion in the patent of Inns, soe that I coule not meane by those wordes ("I suffer, &c.") his Majestes justice, but my owne fortune only. The losse of my place I dyd not meane by yt neither, for I sayd my going out of my place was my quyet, &c. As for the wordes, "My harte tells me I am feithfull," &c. I may slyppe with my hande, but my herte was feithfull, &c. As touching that of the gold and sylver, "I had rather dye then

May 14.

the common welthe receive a scratche from me," I meant that by the buissines only of gold and sylver. As for the wordes "my L. of Buckingham ever ready to hewe me downe," I applyed this to the comittment of some persons requyred by Mompesson, which I dyd, having received some messages from the L. of Buckingham.

### 3. Scandall against his Ma<sup>ty</sup> Government.

I dyd not say assuminge of regall power, but greate power, by which I never thought to touch the Kinges Government. God forbydd that yt shalbe thought the Kinge to be partaker of any man's errours.

Here he commended the Kinges Governement.

That I dyd recriminate. I was farr from that: I spake that I dyd in my excuse from offence of the patent of Inns and the many *Quo Warrantos*. Lett me never fynde mercy with God, nor any chylde of myne, yf I ment to compare my Lord of Buckingham with Spencer, or the King James with Edward 2; but only to saye, as yt were, remember Lott's wyfe, and so to put my Lord of Buckingham in mynde that he was in many of theis courses abused in by Mompesson, and in greater danger then he was aware of.

As to the losse of 20,000 li. I proteste I was worse by his<sup>a</sup> place when I lefte yt by 10,000 li. then when I came to yt, for I was then in a fayre course of practisse.

As to that, "my harte was uprighte, &c." I may be surprised with errour, but not corrupted, &c. My losses were before I lefte the place, long before. Conclusion, denying his recriminacion, that he dyd yt but in way of a caveat, remember Lottes wyffe, and that the Kinge cannot be drawn into this.

Moved leave to make 1. petition.

His man is sick, and but 1. Desyred<sup>b</sup> humbly the Kinges favour to have another in his roome; which seemed reasonable to the L.L.

<sup>a</sup> Originally the sentence stood, "He protested he was worso by his place," the alteration not having been thoroughly made.

<sup>b</sup> The word "desyred" is scratched out in the MS. apparently by mistake.

The prisoner withdrawn.

May 14.

To be brought agayne to morrowe, and then to be proceeded against.

Message from the Commons by Sr Ed. C[ooke]. That at the last reconference touching Ed. Flood yt pleased the LL. Sub-committes to retyre and bryng with them a wryghting which they coulde not approove &c. they desyre to knowe whether that be corroborated or noe.

The protestacion was reade.

ARUNDELL. A copy to be sent to the Commons to be entred there, and to be entred here, that they have lefte the person of Flood to be judged and punnished by this house.

ARUNDELL. By waye of explanacion, the protestacion to be entred ther as touching their judgment, but not to conclude us from judginge of Flood.

Agreed.

Aunswered that the LL. have approved, and they doe approve and corroborate, the protestacion, and you shall have a copy.

\* \* \* \* \*

*Adjournatur* to-morrowe at 2.

DIE MARTIS, 15 MAII, 1621, POST MERIDIEM.

\* \* \* \* \*

L. ADMYRALL. Whether, yf a question be asked after the 3 reading, the L. asking that question be to be aunswered, and the doubt satisfied before the vote. Ordered that the aunneynt order is, the House to debate the doubt, but none to speak but once: and, if the major part doubt, yt may be re-committed. *Per* Warwick.

May 15.  
9 Order.

Noe.

PRYNCE. This daye for Sir H. Y[elverton] to be putt to the question, whether his justificacion yesterdaye hath satisfied you or noe?

ARUNDELL. Yf any man doubt, the Kinges counsell to open the justificacion, &c. and so to proceede.

May 15.

DENNY. Censure him of indiscrecion, &amp;c.

Dyvers others *pro et con*.

L. ADMYRALL. That his voyce myght be spared in this censure touchinge the Kinges honour, for that Sir H. Y. hath touched him in those wordes allso.

His mocion was commended, but yett agreed that he — &amp;c.

Question.

Such of my LL. as be of opynion that Sir H. Y. is worthy to be censured for wordes spoaken by him in this House which touche the Kinge in honour, saye Content.

Such as be of another opynion, saye Not content,

Agreed *per omnes, nemine dissentiente*.

To be at the  
barre either in  
the Kinges pre-  
sence, or in his  
absence at the  
Kinges plea-  
sure.

The censure agreed on. Fyne, 10,000 marks ; ymprisonment duringe pleasure; publique satisfaccion of his faulte by submission and acknowledgiment therof. The same to be sett downe *in conceptis verbis*, he to reade yt, and subscribe yt, and to be entred. To be made unto the Kinge the laste daye of the Session.

Moved, the House to sett a greate fyne on Sir H. Y. and then to move the Kinge for mitigacion.

The PRINCE offered to move the Kinge here.

Question for the fyne whether at 10,000 marcs, or noe fyne.

Agreed, at 10,000, *per pluries*.<sup>a</sup>

The censure agreed on against Sir H. Yelverton.

1. To be fyned to the Kinges Majestie at 10,000 marcs.

2. To be ymprisoned in the Tower duringe the Kinges pleasure.

3. To make such acknowledgiment of his faulte and submission to his Majestie as shalbe preserybed unto him by this Courte, the same to be here at the barre, either in the Kinges presence or in the Kinges absence at the Kinges pleasure.

Theis other 2 poynts beinge allso putt to the question, yt was assented unto, *nemine dissentiente*.

<sup>a</sup> The words "some of the LL. went out," were inserted here, and then deleted. Evidently the House was not unanimous, but it was thought better not to notice it.

The LL. to be here to-morrowe in their roabes, to proceede against Sir H. Yelverton in their censure. May 15.

1. For the Kinges honour.
2. For the skandall against the L. Admyrall.
3. Touchinge the complaint against him by the Commons.

The gentleman usher signified the LL. pleasure unto the Lieutenant of the Tower to bryng Sir H. Y[elverton] hither to-morrowe mourning.

*Adjournatur* to-morrowe at 9.

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16 MAII, 1621.

\* \* \* \*

Sir H. Yelverton brought to the barre.

The L. CH. JUSTICE reported that he is found worthy to be censured, for, &c. — and pronounced the sentence. May 16.  
V<sup>e</sup> the Question yesterdaye.

The prisoner withdrawn.

Mocion, That his sick servaunt may be remooved, and another allowed him in his place.

MR. ATTORNEY reade the colleccion of what spoaken by Sir H. concerninge L. Admyrall. 1. Ready to hewe me downe. 2. Message from M. Emerson, &c.; from Mompesson, &c. assuminge of regall power to place and displace. 3. The message proved good; the proffitts turned away, &c. 4. The articles of Hughe Spencer. 5. Opposicion to the L. Admyrall, his great losse and overthrowe. He reade also Emersam his deposicion touching the message.

Sir H. Y[elverton] brought to the barre again, and Mr. Attourney opened that parte of his fault the which concerned the L. Admyrall, a member of this house, whom he charged with many heynous offences, such as being trewe are to be punished, and being false are very scandalous.

1. To be partaker of the bad misdemeanors of Mompesson.
2. Resembled him to H. Spencer, and (by resembling himselfe to Mordechey) unto Hamon.

May 16.

For the rest *vide* Mr. Attourneys owne noates.

The message from Mr. Emersam, &c.

The Clerke reade the deposition of Tho. Emersam.

Sir H. Y[ELVERTON] being wylled to make his aunswere, I fynd by experience of this dayes censure that there is noe daunger in sylence, much in speeche. I humbly referre what I have spoake to the censure of this house. Yf the entent of this Courte be that I make good what I spake, I can, and wylbe ever ready to make yt good.

As touching "Ready to hewe me downe."

R<sup>o</sup>. When I refused to certify that Sir R. Naunton coulde depute his place in the Courte of Wardes, and Buckingham  
 Lady Hatton. reproveing me for yt, (in the presence of a great Lady at whoe I answere wyll not denye yt,) saying, "You have begunn with me, and therefore look to yourselfe," I feared he would take any occasion to doe me hurte with his Majestie.

Message by Emersam.

He hath not altogether forgott himselfe, for he speakes of losse of my place within a moneth. Theis messages were usuall; I receaved theis messages daily by some or other.

When the patent of inns was here to be questioned, yt was to me as the pangs of deathe, for I knewe I must fall uppon my L. The charge here thrust me uppon my L. of Buckingham.

He offed to make yt good uppon his oathe that Sir G. M. dyd delyver such a message unto him, and desyred Mortimer, who solely followed this buissines under Mompesson, may be examined, and Whittfield of Greyes Inn. They used this phrase, they would never leave untill they had cantoned me out. I cannot touch my L. for any particuler delivered him, but only for my certificate toucheing Sir Robt. Naunton. As for the proffitts of his place he founde them diverted from him to the Sollicitor, as the articles touching Wales and York and the patent of Noblemen, wherof he complayned to his Majestie, whoe referred the same to the L. Chauncellor and L. Hoberte, whoe herde us.



I sayd my place was grievous and<sup>1</sup> became fatall, &c.

May 16.

Here he remembered the Prince's mocion to him touchinge 2 of his servauntes, viz. . . . touchinge the garblinge of Tobiecho, whoe, as I before surmysed, went to Mr. Sollicitor.

I tooke this unkyndly at Vernon's hands, whoe aunswere he durste not goo that waye.

He instaunced dyvers other proofes, and Sr Lionell Cranfield's aunswere that he woulde never direct any to him. Message to him that he shoulde lye in the Tower during lyfe, unlesse, &c. Humbly desyred wytnesses to be examined by him. As for that of Hugh Spencer, I compared them not together. I made the inference that yt was a power assumed to place and displace, &c.

CAMBRIDGE. That he being to have a graunt of his Erle's place, hearinge that Y[elverton] dyd not use Buckingham well, repaired to the then Sollicitor, whoe directed him to Yelverton, but he woulde not.

YELVERTON. That he was an humble suytor to the Kinge for yt (bycause yt belonged unto him), and knowes not that the then Sollicitor directed Cambridge as he sayes.

Mr. Attourney replyed.

Sir H. Y[elverton] spake for himselfe.

The ——

Removed from the barre.

Lady Hatton.

[Message from the Commons about Bishop Field,—L. J. iii. 125.]

Question. Whether Sir H. Y[elverton] be fytt to be censured or noe for his scandall here against the L. Admyrall?

The L. of Buckingham first departed.

SH[EFFIELD], DORSETT, SUFF[OLK]. Mocion. That Sir H. Y[elverton]'s wytnesses produced by him be examined.

ARUNDELL. *E contrario* for yt is newe which he proffers to prove.

OXFORD. He hathe cleered nothing.

RICHMOND. He had cause to suspecte Mompesson by the message of Emersam.

CAMD. SOC.

N

May 16.

CAMBRIDGE. *Ad idem cum* Richmond.

PEMBROKE. *Ad idem*, for the messages which he wyll prove are 2 yerres old at the leaste.

LINCOLN, BR.

SOUTHAMPTON. Yelverton's offence of 2 partes: 1. The message by Mompesson; 2. That of Hugh Spencer.

1. Not to censure him touchinge the speeches followinge the message.

2. But to censure him for the other, for he confesseth that he spake yt here, and leaves himselfe to the censure of the House.

SAY. The testimony may extenuate but not excuse.

Dyvers Lords *pro et contra*.

ST. ASAPH moved a reconciliation and commiseracion, repeatinge the story of Marcus Marcellus, his reconcilement to the Siracusians.

Question. Such of my LL. as are of opynion that Sir H. Yelverton is worthy to be censured for false and scandalous wordes spoaken by him in this House against the L. Admyrall.

A sub question, whether this worde "false" shalbe in the grande question.

Agreed *per pluries*.

Agreed that they which dyd not gyve their votes to the subquestion, may give, &c.

Question. Whether &c. *ut supra*.

Assented unto *per omnes*.

The censure.

The L. TREASURER shewed what dammages may be recovered upon a *scandalum magnatum*, viz. soe much as a jury can fynde the partye scandalized might have suffred, yf trewly accused. Moved that for honour's sake Yelverton be fyned deepe, and the house to move Buckingham to remytt yt. Yelverton to make submission.

SUFFOLK. Leave the damage to my Lord, whoe I doubt not wyll remytt yt.

[Yelverton's sentence: 5,000 marks to Buckingham, imprisonment, and submission to the Court and to Buckingham. The payment remitted by Buckingham.—L. J. iii. 125.]

May 17.

DIE JOVIS, 17 MAII, 1621.

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*E.<sup>a</sup> Moved that the matter betwixt Spencer and Arundell to be ended.* *Vide 8 Maii,*  
1621

*ARUNDELL offered to speake and gyre satisfaccion, and to explyne himselfe either in his place or at the barre.*

*Agreed, not at the barre.*

*ARUNDELL. That he conceaved that the wordes spoaken by the L. Spencer spak touching my auncestors were spoaken in a worse meaning than he spake.*

*As for that he spake concerning my selfe.*

*I conceave his Lordship's speech was somewhat harshe.*

*I wyll not denye my speeches unto him, &c.*

*He explyned himselfe, and submytted himselfe to the censure of the House.*

*SPENCER. I wyll make noe apologye, but leave yt to your Lordships.*

*The 2 LL. departed out of the house, viz. the E. of Arundell unto the Prynce's roomes, the L. Spencer the other way, towardes the lytle Comitte chamber.*

*DENNY. That the L. Spencer is discended from the Erles of Winchester and Gloucester, and therefore the wronge to him by the E. of Arundell the more.*

*Question to be whether A[rundell] be worthy of censure or noe?*

*SAY Ad idem pro satisfaccion.*

*COVENTRY AND LICHFIELD. To be called shepherd noe disgrace; moved a reconciliacion.*

*Dyers pro et con touching howe to reconcyle them.*

*Adjournatur to 9 to-morrowe.<sup>b</sup>*

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<sup>a</sup> This stands I suppose for some Earl, whose name is not given, perhaps Suffolk.

<sup>b</sup> The remainder of the proceedings on the next day originally occupied several pages in the MS. But they have been carefully cut out, though the nature of the discussion

May 18.

DIE VENERIS, 18 MAII, 1621.

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[At the end of this sitting the House adjourned to the 24th. The book containing the remaining debates, up to the long adjournment on the 4th of June, has been lost. The Houses were then adjourned to the 14th of November, and were then again adjourned to the 20th of that month.]

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can still be detected from the few words which are still to be read on the slips of paper remaining. The notice of adjournment stood originally, I suppose, at the end of the mutilated pages.

XIII<sup>to</sup> NOVEMBRIS, 1621.

Before the sytting of the Courte, Sir John Bennet came and called me to him, desyryng me to take noatice of his beinge here, and that he woulde tender his appearaunce this daye according to his baylle.<sup>a</sup> Nov. 14.

[Parliament adjourned to Nov. 20.—L. J. iii. 160.]

DIE MARTIS, XX<sup>mo</sup> NOVEMBRIS, 1621.

Before prayers Sr John Bennett called me to him, and desyred me to take noatice of his attendaunce to appere here according to his bayle. Nov. 20.

Mr. Alexander Harris late Wardein of the fleete dyd the lyke.

Prayers sayde.

ARUNDELL, L. MARSHALL. That the LL. of the newe creacion may be brought into the House, eache by 2 other LL.; and so placed, accordinge to the auncient ceremonyes of this House. Agreed.

[Introduction of new peers. Lord Keeper's speech. Exchange of messages with the Commons.—L. J. iii. 162.]

DIE MERCURII, XXI<sup>mo</sup> NOVEMBRIS, POST MERIDIEM.

[Adjournment for conference with the Commons.—L. J. iii. 164.]

Nov. 21.

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<sup>a</sup> There follows on the same page a letter from Richard Dike dated Nov. 26, asking Elsing whenever "it shall please the Lords to call" him, "to leave a note in wrightinge" at his "howse in the noarth-easte corner of Moorefeildes, neere to Bedlam Gate, nexte to Newe Church Yearde," and a memorandum dated Dec. 3, that "yf Lady Day preferres any petition or Byll against the Lady Cæsar, or Sir H. Hungat, notice is to be gyven to Sir Charles Cæsar."

DIE JOVIS, 22<sup>do</sup> NOVEMBRIS, 1621.

\* \* \* \* \*

Nov. 22. L. HAUGHTON remembred the Committee for the journall booke to be renewed.

The Committee read. L. President added.

Committees for petitions read. L. B. of Oxon. added.

L. SHEFFIELD. That the priviledges of the House be perfected. The Committee and Sub-committee read.

DORSETT. That a day be appoynted for the sub-committee to meete, and to gyve accompt, &c.

L. DENNY. The Lower House hathe taken into their consideration the abuse of proteccions. Moved, the lyke to be done here.

Agreed. ARUNDELL. The Grand Committee of pryviledges to consyder herof.

L. KEEPER. ———

Adjourned to Satterday at 9 in the morninge.

## DIE SABATHI, XXIIII NOVEMBRIS, 1621.

Nov. 24.

Sr J. Bennett.

*Receptum breve sumonicionis W. Ep'i Menevensis.*

Prayers.

L. Pryvy Seale.

Oxon. *Camerarius Anglie.* } Their places are this.

Arundell. *Marescallus.*

L. Steward excused by Arundell.

[Report of declarations made to the Houses.—L. J. iii. 166.]

Committees of the Byll of Ordinance reade.

Ordered, yf the major parte of those LL which are here doe meete, then the Committee to proceede.

HAUGHTON. That dyvers other Bylls are comitted: that the

Comittees be reade. That the Comittees for priuiledges may be appoynted here when to meete. Nov. 24.

The names of the Bylls reade.

SHEFFIELDE. To proccede with those Bylles which are comytted.

OXON. The Lower House desyre that the p[aint]ed ch[amber] be scaffolded.

MARESCAL. Degrees to [be] made to stand one hygher then the other, not to sett.

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LUNÆ, XXVI<sup>to</sup> NOVEMBRIS, 1621.

[Report of the Archbishop of Canterbury on the Bill of Ordinance; Bill read a first and second time.—L. J. iii. 170.]

L. PRESIDENT. To be considered of, whether clergy be not intended to be taken away from the offenders against this acte uppon the sea as well as uppon land. Nov. 26.

L. HAUGHTON. To be re-commytted.

Clergye <sup>a</sup> is taken away by the stat. of 28 H. 8, cap. 15.

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DIE MARTIS, 27<sup>mo</sup> NOVEMBRIS, 1621.

\* \* \* \* \*

The prisoners which counterfeyted my L. Staffordes hande and seale brought to the barre, viz.: Thomas Warynges, John Blount, Mathias Peare. Nov. 27.

Warynges charged that he had counterfeyted the L. Staffordes hand and seale to proteccions. Denied yt. Confessed he had 6 in blankes from one Mathewe Watson.

<sup>a</sup> There is a mark before this word, as if to separate it from Lord Houghton's speech, but no name is given.

Nov. 27. Putt in good securitye to fynde out Watson by Monday come sen-night. He shall have warrant from the House for his apprehension. To remayne in prison untell he putt in securitye here.<sup>a</sup>

John Blount confessed one and noe more.

BATHE AND WELLES reported that Blount had brought him  
Withdrawn. counterfeyt lettres heretofore.

Acquyttd. Mathias Peare denied yt. That he had his proteccions from one Denton for 3s. and offred to be sworne that he dyd not knowe yt to

Withdrawn. be counterfeyted.

ARUNDELL. Blount is guyltye. Pyllory and whypped publicly with papers of his offence on. Thos. Warynges to stand in the pyllory only.

SHEFFIELD. To be marked in his foreheade with a hott iron with a lettre.

Putt to the  
question and  
Assented unto.  
Agreed, to be  
done bereto.  
John Blount to stande in the pyllory here and at Cheapesyde.<sup>b</sup>  
To weare papers shewing his offence: to be sent to Brydewell<sup>c</sup>  
duryng his lyfe, and there to worke for his lyvinge.

L. HAUGHTON. Thomas Warynges offers security to fynde out Mathewe Wattson: consideracion therof.

L. CHAMBERLEYNE. *Ad idem*.

L. PRESIDENT. That Blount be bannished into Virginia, for he was thought a dangerous man when he was in the Starr-chamber.

CAMBRIDGE. That Blount had his cares cutt in the Starre chamber for forgery, and yett endeavors yt agayne. Moved, To be prevented by bannishment.

Denied. A stricte commaunde that he be not permitted the use of penn and ynke.

DENNY. That he be burnte in the forehedd.

<sup>a</sup> This sentence is a marginal note in the MS.

<sup>b</sup> This is followed by the words "to be whipt publicly" erased, with the word "deferred" left unerased in the margin.

<sup>c</sup> This originally stood "to be branded in the forehead here, and condemned to the House of Correction to."



2. Questyon. Whether John Blount shalbe burnte in the forehead or not? Agreed *per pluries* not to be branded in the foreheade.

Nov. 27.

NORTHE. That mencion be made of his former offences.

Denied.

L. MARSHALL. That the LL. Sub-comittees drawe up the fourme of the paper which Blount shall weare.

Agreed.

L. CHAMBERLEYNE. That the L. Ch. Justice, and L. Ch. Baron, and Mr. Baron Denham, be spared from attending the LL. Comittees against transport of money, and in their steade Mr. Justice Wynche and Mr. Justice Hutton are to attende.

The LL. Sub-comittees retourned, and

L. MARSHALL presented what paper Blount shall weare. Reade and agreed.

J. Blount at the barre.

THE L. KEEPER declared him founde guiltye for counterfeityng the seale of a Peere of this Kingedome, and pronounced the sentence.

The Sergeant to see this executed, and to be assisted, &c.

L. PRYVE SEALE. That the Byll of Wales —

The Comittees read. Added, &c.

Concealments read. Added, &c.

*Adjournatur* to 9 to-morrowe mournynge.

Sr John Bennett was ready to tender his apperaunce.

DIE MERCURII, XXVIII DIE NOVEMBRIS, 1621.

\* \* \* \* \*

Message from the House of Commons by Sir Edward Cooke and others, consisted of 2 partes.

Nov. 28.

1. The House of Commons commaunded him to delyver unto their LL<sup>ts</sup> [five] Bylles.

4 Bylles of grace, viz<sup>t</sup>.

1. To pleade the generall yssue.

2. To relieve patentees, &c.

Nov. 28.

3. That the estate of attainted persons.

4. Alenacions of lycences.

5. An Acte to open the free passage of the sea.

2. Declared of the readynes of the House of Comons, and desyre to make a sessions before Christmas, and that their LL. prepare all their bylles, &c. against that tyme.

L. SAYE moved the bylles to be expedyted according to the message of the Comons. That the former bylles be reade and comitted, and the bylles allso nowe come up. Commended the byll touchinge Concealments.

Comittees for Concealments: dyvers LL. added; to meete 30 Nov. at 2 *post meridem*, in the Painted Chamber.

Read.

Comittees for Colledge Leases: 3 LL. added; to meete 6 Nov. at 2 *post meridiem*, in the Painted Chamber.

Comittees for false dying of sylkes: 4 LL. added; to meete on Tuesdaye 4 Dec. at 2 *post meridiem*, in the Painted Chamber.

Comittees of petitions: 3 LL. added; to meete when they please; to consider of all former petitions, and those herafter exhibited, and to reteyne and rejecte such as they thynke fytt.

L. HAUGHTON. Remembered the petition concerning the Warden of the Fleete, and the order made 4 *Junii*, and his baylle, viz. for his apperaunce and good usage of his prisoners. The prisoners by their petition doe nowe alledge that he hathe left his place, and feare he wyll flye. Desyre that sith his bonde for his good behaviour be forfeited —

Ordered.

The Peticion is referred to Comittees for petitions.

WARWICKE. *Habeas Corpus pro* Cowsc.<sup>a</sup>

Graunted *per D[ominum] C[ustodem] S[igilli]*.

Referred to the Sub-comittees of the priviledges whoc are to examine, &c.

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<sup>a</sup> See L. J. iii. 174.

Nov. 30.

DIE VENERIS, 30 NOVEMBRIS, 1621.

\* \* \* \* \*

3<sup>a</sup> *vice lecta est billa.* An Acte against the transportacion of Ordinaunce.

MONTAGU took exceptions to this byll of Ordinaunce.

1. For corrupcion of bloode.
2. Noe tryall of Peeres expressed in the Acte for the Nobillity yf any of them shall offende.

[Opinion of the Judges. The Bill read. Report from Committee of Privileges. Papers in Selden's hands are now missing.—L. J. iii. 175, 176.]

L HAUGHTON repeated out of his paper what peeces are wanting.

Proxies. 7 want.

Suytes. want.

Members of this House not to be q[uestioned] in the Lower House.  
Errour.

Passing of bylls and judgments without the consent of the LL.  
spiritual.

6.

7. Tennaunts of Auncyent tennancy.

To be discharged.

1. Oathes; 2. Tryall; 3. Scandalun; 4. Proces; 5. Chapleynes qualified; 6. Reteyn of Stranger; 7. Clergy; 8. Hunting; 9. Amerciaments; 10. Noe proces against the body; 11. A knight upon every pannell; 12. Noe day of grace against a Peere of the Realme; 13. Deputyes in places of truste, without wordes of specyall power.

There may be more, which without examinacion lye hidden from us.

1. He recyted the order for themselves.

2. The order for such as they shall appoynt.

Moved that theis defectes may be supplied by those parties formerly trusted.

Nov. 30.

**SHEFFIELD.** Accompt by whom yt came that theis papers are taken away, and that the House may have satisfaccion therein.

**SAYE.** Remembred the order of the wholl House for this serch: the parties that made the serch were authorised by the Sub-committee, though some may conceave this was done by warraunt from his Majestie. He remembered his Majestes gracious aunswere touching the LL. priviledges. This may much endanger their priviledges, for noe difference between the takinge away of a byll or of theis papers from a Committee. And whereas somewhat is conceived that we have done more than we had authority, the same to be examined, and the persons that tooke them away to shewe their warrant.

**L. KEEPER.** Theis papers came to him secondarily. His Majestes warrant sufficient. **Mr. Selden.** There came some papers. Yf the House hathe power to seise, soe may his Majestie. They came to me by Mr. Secretary in a redd bagge. Those begann and not fully fynished I sett aside. I perused the rest, and satisfied the Kinge, whoe wyllled me to keepe —

I delivered Mr. Selden them all. He founde some chapters wantinge, &c. He aunswere there was noe defecte, for that the originall was there full and wholl, which he hathe. I sent them to your LL. soe truly as they came to my handes.

**S.<sup>a</sup>** gyves not my letters such a favourable construccion as he may and cleered his meaninge, protestinge that before Mr. Selden came unto him he had not seen them.

**HAUGHTON.** Yt may be theis papers that are wantinge are re-mayninge in the handes of Mr. J. Fowler, whoe seised them.

**ARUNDELL.** The Kinges priviledge to seize papers in matter of State not to be questioned, the defectes to be supplied by Selden.

**Su[EFFIELD].** This cannot trenche into the Kinges prerogative.

**PRYNCE.** That theis men which seized the papers, yf they be questioned, wyll say they were authorised by the Kinge, and to hym they wyll gyve accompt.

\* This must mean Lord Say.

L. KEEPER. 1. Selden dyd say he coulede not tell whether all was transcrybed by his clerke; 2. Thatt he cann supply whatsoever is wanting out of the scrybled originall. Nov. 30.

S[AYE?]. Yt doth not touch uppon the Kinges prerogative, for I knowe not whether yt were done by warrant or noe. Lett them shewe yt that seized.

CANTABURY. Noe more questyons then touching the ende which wee seeke. The papers may be had agayne, and were wrytten.

STEWARD. The papers were seized by the Kinges warrant. Selden to be sent for, and satisfye us whether he had wrytten all, or can supplye what is wantinge.

DURESM. *Ad idem.*

HAUGHTON. The Sub-committees to have the same authority which they formerly had to appoynt Mr. Selden and others to serche the records, &c. to transcrybe them, and to supply the defecte and perfecte his booke as yt was before, touching the priviledges, &c. Ordered.

E. MARSHALL. That Mr. Selden be examyned by the Sub-committee, whether theis papers were maliciously taken away or noe.

CAMBRIDGE. The Sub-committee to trye howe theis papers were taken away, and howe they may be supplied.

PR[YNCE] AND OTHERS. Theis papers were taken away by the Kinges authoritye.

L. KEEPER. Sellden affirmed he could supply them, and that he knew not whether they were all transcrybed by his clerkes out of his originall scribbled book.

SH[EFFIELD]. A Comittee to acquaynte the Kinge of the contents of the booke, &c. that they be not matters of state.

Aunswere, theis were not conceyved matter of state, but that some papers in Mr. Selden's custody myght be matters of state.

\* \* \* \* \*

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Dec. 1.

1<sup>o</sup> DECEMBRIS.

\* \* \* \* \*

SHEFFIELD. That the Judges may deliver their opynion touching monopolies.

The Comittee to meete presently, and conferre therof amongst themselves.

Monopolies. The sayd Comittees being returned, the L. Archbishop of Cant. reported, they have mett often, the major parte, that yt may passe, yf your LL. shall so thynke fytt.

Reporte.

3<sup>a</sup> *vice lecta est billa*; an Acte concerning Monopolies, &c.

E. MARSHALL. Wysheth well to the pretence of the byll, but not his vote thereunto as yt is, for that the thinges of this nature are to be amended by some particular, rather then generall redresse.

1. Least we trenche into the Kinges prerogative; 2. Yt is penall with the *premunire*. Desyred that theis inconvenyences be amended uppon the particulers, accordynge to the auneynt orders and customes, for the present and not for the future.

BISHOP NORWIC. He was of opynion that this Byll should not yett be presented without amendments. *Idem* with Marshall. Agrees for the present inconvenyences, not for the future; to leave that to the care of his Majestie, and not to abridge him of those prerogatives which his auncestors enjoyed.

We shall offer his Majestie *rem non æquam*, to forbear to doe that which his noble progenitors myght have done, either for prerogative, or grace to his subjectes. Yf thes be offred to his Majestie *in conjuncto* he is putt to the negative, whereby the people may thynke him not carefull to redresse monopolies.

BISHOP SARUM. *Idem* with Norwich. A byll for the present and matters paste, to bynde the Kinge *in futuro*. His duety to Cambridge University for the clause of Pryntinge. The proviso for the prynters styfles the proviso for incorporacions. Desyre that the Charter of Cambridge may be also provyded for, 1. In regarde of

Dec. 1.

the Charter; 2. In regard they wyll sell that for *5d.* viz. the grammer, which here is sould for *8d.*

SAY. *E contrario.* Yt cannot touche the Kinges prerogative. The Judges consydered of the bodye of the lawe, and that yt restreynes none but such as are contrary to the lawes of the lande: and to petition the Kinge, for this cannot touch his prerogative.

2. For the future, yt toucheth none but what shall be agaynste the lawe.

BISHOP ELY. Double necessitye enforceth me.

1. From those LL. which speake agaynste the byll.

2. From those which speake for yt.

Excused his not speakinge to former bylls of hygher nature and yett to speake nowe in this.

He dothe not conceave that yt toucheth the Kinges prerogative. The voluntary suspending of the same doubted by some, but noe dyminucion of the prerogative. For the byll.

A[RCHBISHOP OF] CANT[ERBURY]. The scoape of this byll in generall very benefyciall to the Subject. Wished yt myght be caryed more myldly, &c. The Subjecte is restreyned by *præmunire* to receive, though the Kinge be not restreyned to gyve. Noe.<sup>a</sup> Wyshes yt may proceed, but not in such sorte as yt nowe is, especially touchinge the future. To provyde only for the present. Moved, whether there may not be a newe revysing of this Bill to that purpose.

ARUNDELL. All Bylles after the 3 readinge must be putt to the Question, and either be passed or rejected. Every man to gyve his vote freely.

STEWARD. *Idem* with Canterbury.

SHEFFIELD. Against the Bill.

<sup>a</sup> This word is separated from the others, and written in smaller characters. It may mean that some one called out "No," or, as the word "restreyned" was originally written "bound," it may merely mean that on looking over the notes the writer saw that there was something wrong, which he subsequently corrected.

Dec. 1.

1. The provisos doe not save those thinges sufficiently which they intende.

SAYE. That Bylls may be recomytted.

Answered: Not after the thirde readinge.

Resolved, yt cannot be recomytted.

L. KEEPER. Whe[ther] the clause for the future trenches into the Prerogative of his Majestie? Conceaves verely yt dothe. Kinges have bounde themselves *in preteritis* and *presentibus*. The futures allwayes left to the care of Kinges.

HAUGHTON. Monopolies, what, uncerteyne. The punishment greate. Moved for a recomyttment to be by special order.

CAMBRIDGE. Against the Bill, for yt touches the Kinges prerogative, by bynding their handes. (*In futuro*) against the recomittment. A newe byll to be made.

DENNEY. Yt touchethe not the Kinges prerogative, for yt desyres the contynuaunce and keeping of the fundamental lawes of the kingdome, and all Monopolyes to be judged by the Lawes.

L. TREASURER. Greate expectacion of this byll. The entendment good. As yt is penned, the Kinge cannot passe yt without prejudice to his prerogative: mysslyketh the generallitye. Yt will also, for the present, take from the Kinge 30,000<sup>li</sup> *a per annum*. *Ad idem cum* Norwich, touching the not presenting this to the Kinge. Moved for a newe lawe to provyde for paste and presente, and the K[ing] to be lefte for the future.

DORSETT. Question, that yt may be recomitted.

WARWYCK. *Ad idem*.

PRYNCE. Not against the substaunce of the byll; that this be rejected, and a newe to be made. Not to be recomytted.

L. Zouch nota. ZOUCH. A newe byll to redresse the paste and presente. To leave the Kinge to take care for the future. This to sleepe. Yt cannot be recomytted by the orders of the House.

\* Either this must be a great exaggeration, or Cranfield must have taken into calculation sources of revenue not usually classed amongst monopolies.



PRESIDENT. *Ad idem*, and that a recomittment cannot amend  
yt, but in the ende we shalbe dryven to drawe a newe byll. Dec. 1.

The Byll putt to the question.

Rejected *per pluries*.

Ordered that a newe byll be drawn touching monopolies by —

A Comyttee to sett downe the helds for a newe Byll touchinge  
monopolyes:—

L. Treasurer.	Sheffield.
President.	Haughton.
Canterbury.	Saye.
Norwich.	Brook.

The former attendants and such other judges as they please to  
call, to meete on Monday next at 2, in the p[ainted] ch[amber].

*Adjournatur* to 9 on Monday next.

### 3 DECEMBER, 1621.

L. ARCH. OF CANTERBURY reported the conference. Comittee on Dec. 3.  
the Byll against informers reported with amendments. Sent downe Sir J. Bennett.<sup>a</sup>  
to the Commons. They have allowed yt there. Paste them so farr Bill against in-  
as they may, but the amendements cannot be comprised in the formers re-  
parchement. They have newe wrytten yt. We have compared yt. toured.  
Yt doth agree. Desyre that this newe Byll may be subscrybed by  
the clerke. And they doe acknowledge that those amendements are  
very beneficiall for the Commonwelthe.

MARSHALL. This standes with the auncyent orders of the House.

The L. KEEPER delivered the Byll to the clerke, and he was  
commaunded to subscrybe the LL. assent thereto in the usual  
forme.

The Comittee retourned to the Commons and related this unto  
them.

<sup>a</sup> His name is inserted as attending upon his bail, to be ready if called for.

Dec. 3. Aunswered. *Sit nomen Domini et dominorum benedictum.*

B<sup>p</sup> London, B<sup>p</sup> Winton, E. Oxon, excused.

Memorandum.  
To shewe the  
L. Keeper this  
order before yt  
can be entred.

L. KEEPER putt their Lordships in mynde of the Byll of monopolies; a greate parte of the Byll allowed, but for some parte rejected, and a Committee appoynted to drawe a newe Byll.

Shewed the president of 29 Eliz. and moved for a conference to shew the reasons why the former was rejected, and allso to shewe that there is a Committee appointed to drawe a newe Byll.

HAUGHTON. Moved for a Committee to drawe out some hedds out of the Byll, wherefore it was rejected.

Agreed. MARSHALL. That the wholl former Committee meet to drawe out thees hedds before a conference be requyred.

At the conference, to enfourme the reason why the former Byll is rejected, and allso to advyse with them for the drawing of a newe Byll.

The former Committees read. L. Marshall, L. Steward, L. Chamberlayn, added.

This Committee  
went presently  
about this.

Mr. Sergeant Crewe added to attend.

\* \* \* \* \*

DURESME. That a fayre correspondency be helld with the House of Comons. Not to gyve accompt hereafter of the rejection of all Bylls generally, but in case only of particuler —

\* \* \* \* \*

SHEFFIELD delivered a petition of Sir J. Bouchier against some proceeding in the Chauncery.

Reade.

L. KEEPER. His insufficiency knowen to himselfe, but commanded by the Kinge to accepte therof. Protested his innocencye and carryage in that place. Moved, whether the petition shalbe harkened unto.

1. For the long tyme yt hathe depended. His decree was founded by former decrees and dyvers orders. I enlarged yt, and gave him 100<sup>li</sup> more then the former.

Dec. 3.

2. I sent (hearing of Sir J. B[ourchier's] restlesse humor), for J[ustice] Hutton and J[ustice] Chamberlayne, whoe expressed their assent to the decree before I pronounced yt, and then I added 100<sup>li</sup>.

Mooved, whether their L.L. wyll admytt of this petition, or noe?

Yf yt be admytted, he hathe somewhat to saye in approbacion of the decree.

S[HEFFIELD]. That Sir J. Bouchier be herde, and then judged.

L. KEEPER. Whether this buissines shalbe herde or noe, the case beinge as I have opened yt.

ARCH. CANT. A streicte. Whether to reiecte petitions for justice, or to admytt of petitions generally against all judges; which wyll much discourage them. Moved that, yf they agree he shalbe herde, he be admonished that he shall receive greate punnishment yff the aspersion in the petition be not trewe.

SAY. To be herde; for noe appeal from the Chauncery but hether, and to be punnished yff false, &c.

L. KEEPER. To be sensible of a judge in this kynde. The L. which spake firste wrote unto me in the behalfe of the petitioner and nowe he complaynes of me.

SHEFFIELD excused and explained himselfe, &c.

L. HAUGHTON. This beinge the Supreme Courte to which, &c. A greate officer, &c. to be tendred and regarded by us; yf the petitioner hath cause to complaine, to be herd, &c. yf the complaint be untrue, to be punished.

To the Committee for petitions.

Denied.

SUFFOLK. The petitioner appeales to the wholl House: [*er*]go the Comittee not to have the hearinge.

BANGOR. Yf theis petitions be admytted, noe judge, &c. shalbe free from aspersions.

PRYNCE. Yf the accusacion were of a greate matter, yt were worthy the hearing of this House; the accusacion is not of injustice, but of a hasty hearing. Yf he can accuse, lett him doe yt homely.

L. KEEPER explained himselfe, touchinge the haste, and shewed that the House is not fayrely dealte with in the enfourmacion therof.

Dec. 3.

*Adjournatur ad libitum.*

L. KEEPER desyreth to be cleared, &amp;c.

The petition read agayne.

The LORD KEEPER opened the petition, and that the petitioner complained against Elsmere, Bacon, and the Master of the Rolles.

SAY. This is an appeale, &amp;c.

MARSHALL *prout* Arch. Cant. A rule for hereafter; the lyke not to be exhibited, for the reason the Prynce gave. Allowed not the petitioner's request to be herde againe; for then noe ende of suytes. But the petition touching ordering to paye money without Byll contrary to the Order of Chancery, this to be herde, &c.DURESME. To consider whether this be an appeale. The aun-cyent fourme therof to be consydered. Judges to be tendred.<sup>a</sup> *Idem cum* Marshall. To consider what appeales out of the Chancery to this Courte doe lye, and the fourme.

KEEPER. Appeales doe lye, but not directly; firste to the Kinge and then hither. But this complaint is only against me for the haste.

NORWICH. The judges' opynion to be knowen, &amp;c.

STEWARDE. This a petition, not an appeale. The judges to gyve satisfaccion to the Courte herein.

SHEFFIELD. Dyvers complaints against the late Chancellor.

PRYNCE. They were for corrupcion. The judges' opynion to be knowen for the appeale.

CAMBRIDGE. Whether this be a fourmall way of appeale, or noe?

SAY. Presidentes to be serched for the fourme of the appeale.

PRYNCE *ad idem cum* Cambridge.

SUFFOLK. The petition to be herde. The judges which were the Assistauntes to the L. Keeper to be herde firste.

PRESIDENT. In the petition 2 things considerable. 1. particular, the charge against L. Keeper for haste. 2. the generall, that he was ordered to pay money there being no Byll in courte. To heare the judges touching the charge against the L. Keeper.

<sup>a</sup> *i. e.* to be treated tenderly.

DIGBY. To be decyded whether yt be a complaint or appeale.

Dec 3.

CAMBRIDGE. *Ad idem*, adding that, yf yt be worthy to be accepted by the House, then the petitioner to be punnished yf false, &c.

ARCH. CANTERBURY. The petition dothe touche the L. Keeper with injustice. *Nulli negabimus, nulli deferemus justiciam*. Then the precipitation of justice (not hearing the proofes) is hyghe injustice. The judges (assistaunt at the hearing) to relate what was done, and the partie herde afterwards.

SUFFOLK. Whether the L. Keeper gave a full hearing?

L. KEEPER. This must be manifested by the judges.

The register and the counceill of bothe partes now ready.

L. PRESIDENT. This is a petition, and noe appeale: for noe sentence can be grounded on yt, for yt shoulde sett out the matter orderly.

SHEFFIELD. *Prout antea*.

L. CHAMBERLAIN. Whether an appeale or noe? For the petitioner's cause cannot be hearde agayne, unlesse by an appeale. This to be determyned by a Committee and the judges.

[The case against the Lord Keeper referred to the "Comittees of the priviledges,"—  
L. J. iii. 180.]

DIE MARTIS, 4<sup>to</sup> DECEMBRIS, 1621.

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Dec. 4.

DIE MERCURII, 5<sup>to</sup> DECEMBRIS, 1621.

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Dec. 5.

2<sup>a</sup> *vice lecta*. For atteinted persons to paye their just and trewe debtes.

DURESME. That there be noe allowance of any debtes but such

Dec. 5. as are due before the facts done for which the parties are attainted : and some other exceptions his Lordship took to this Bill Respects to be had to the County Palatine of Duresme, &c.

L. KEEPER. Care to be had of the King's Almoner, which —

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Dec. 6.

DIE JOVIS, 6<sup>to</sup> DECEMBRIS, 1621.

Sir J. Bennett  
attended to  
make his ap-  
pearance.

The words of  
protection not  
to be used, but  
privilege.

\* \* \* \*

Petition of Thomas Cole read.<sup>a</sup>

The under-sheriff of Gloucestershire to be sent for.

COVENTRY AND LICHFIELD. Protection and the power thereof are now generally to aliens as well as to servants. Moved, whether a general jubilee shall be for the debts, or whether a moderation?

PRYNCE. *Ad idem*, and remembered the motion formerly by Denny.

MARSHALL. The Sub-committees for Privileges have met and do intend to settle down what shall be done herein.

\* \* \* \*

*Hodie 2 vice lecta Billa* for the merchants of the Staple.<sup>b</sup>

Committed unto —

MARSHALL. Notice to be given to the merchant adventurers.

PRESIDENT. The parties on both sides to be heard, and that they which receive Bills may assigne them, and the assignees to sue in their own name.

To be considered of by the Committee.

SAY commended the Bill, shewed that the merchant adventurers are the cause that the price of wool for they do now sell —

[Names of the Committee.—L. J. iii. 184.]

<sup>a</sup> L. J. iii. 183.

<sup>b</sup> Restoring them the free trade for the exportation of cloth.—L. J. iii. 184. This would overthrow the privilege of the merchant adventurers.

DIE VENERIS, 7 DECEMBRIS, 1621.

Dec. 7.

Sir J. Bennett.

[Bills read, &amp;c.—L. J. iii. 185.]

SABATHI, 8<sup>vo</sup> DECEMBRIS, 1621.

Dec. 8.

[Bills read, &amp;c.—L. J. iii. 186.]

Thos. Waringes petition reade.<sup>a</sup>

To be broughte hither the 17 of this Dec.

SAY. ROCHEFORDE. Against the proteccions by the L. Stafforde.

SUFFOLK. This is referred to the Comittees for Priviledges.

CANTERBURY. That Stafford be entreated to putt an ende to theis proteccions.

SHEFFIELD. The Comittees for Priviledges, &amp;c.

The grande Committee to reporte what remedye for the abuse of theis proteccions.

Sir J. Bennett his petition reade.<sup>b</sup> For that the courte is not full,  
*Adjournatur* to 9 on Monday mourning.DIE LUNÆ, 10<sup>to</sup> DECEMBRIS, 1621.

Dec. 10.

[Bills and Petitions. Message to the Commons for a conference upon the Monopoly Bill.—L. J. iii. 188.<sup>c</sup>]

E. MARSHALL remembred the petition of Sir J. B[ourchier]

<sup>a</sup> L. J. iii. 186. He pleaded poverty as a bar to fulfilling the order of Nov. 27 (L. J. iii. 172), directing him to be kept prisoner in the Fleet till he put in security to appear on Dec. 17, and to bring with him Thomas Watson, whom he had charged with delivering him the blank protections from Lord Stafford, of the counterfeiting of which he was himself accused.

<sup>b</sup> Not to be compelled to attend daily.—L. J. iii. 186.

<sup>c</sup> In the same page will be found a memorial of the heads of the new Bill, to which the Lords were prepared to consent.

Dec. 10. concerning the L. Keeper. The Comittees of Privyldges have mett, and some were appoynted to serch for presidents; the Sub-comittees to render accompt what presidents they have founde.

L. STEWARDE. The House to consider of the matter of facte.

ARCH. OF CANT. A greate officer not to suffer longe under the accusation.

The Comittees names for Priviledges reade, whoe went presently into the Committee chamber to take such accompte of the Subcommittee *ut supra*.

[Bills sent to the Commons.—L. J. iii. 188.]

Returned.

Reported by the L. Arch of Canterbury:

1. The worde of appeale is not usuall in petitions of this nature to be broughte hither.

2. Petitions only.<sup>a</sup> They of dyvers natures.

3. The accustomed fourme to the Kinge and his greate Counsell.

4. Serch: taken much paynes; some<sup>b</sup> president, viz<sup>t</sup>. that against de la Poole for corrupcion. Lefte the fourme to the House, praying expedicion; noe longer suffering.

SUFFOLK. Fourme left to the consideracion of the House, the matter, viz<sup>t</sup>. that which concernes the L. Keeper, that he decreed the cause not hearing any one wytnesse. This to be tryed by the House presently.

Out of the register's noats<sup>[?]</sup> that attended, L. KEEPER. Although this cause dyd not stand uppon wytnesses, but uppon evidences, which were reade, yett I called for wytnesses entending to releve the gentleman. Named the wytnesses whoe were reade, under the *teste* of the register, out of their shorte noates.

The gentleman usher took nootice herof.

Sir J. Bouchier to be sente for, to be here to-morrowe mourninge. NORWICH. *Decentia* [?] *causæ et personæ*. The affront of Sir J. B[ouchier] fleeing into the L. Keeper's face.

<sup>a</sup> "They find that all matters complained of here were by petitions only."—L. J. iii. 189.

<sup>b</sup> "Only one precedent."—L. J. iii. 189.



This to be objected: to be answered by him to-morrowe.

DURESME. Sir J. B[ourchier] denied this at the Committee, and that he met his Lordship but once, &c.

Dec. 10.

[Message from the Commons accepting the conference on the Monopoly Bill.—L. J. iii. 189.]

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### DIE MARTIS, 11 DECEMBRIS, 1621.

L. ARCHBISHOP OF CANTERBURY reported the Acte of wemen convicted of small felonies, and returned the Byll without amendments.

Dec. 11.

Sr J. Bennett.

Reporte.

Small felonies.

3<sup>a</sup> *vice lecta est eadem Billa.*

*Exped.*

Putt to the question and generally assented unto, *nemine dissente.*

L. PRYVYE SEALE remembred the petition of Sir John Bourchier.

Sr J. Bourchier.

MARSHALL. The buissines to be putt in that forewardnes as the House entendes to proceede in the same before the petitioner be called in.

SUFFOLK. The petitioner complaynes that not one of his wytnesses was herde.

The petition read.

ROCHEFORD. The question whether this cause had a sufficient hearinge, or noe, which is matter in facte.

DURESME. Sir —

*Adjournatur ad placitum.*

The order 10 December reade.

SAYE, &c. That no such order.

The order affirmed by dyvers.

PRYNCE. The cause of calling the petitioner to the House was to heare the petitioner's proofes that he was not fully herde.

CAMD. SOC.

Q

Dec. 11. MARSHALL. The petitioner to be called in and herde. Yf he fynde himselfe streightened of his proofes for not beinge herde, then to gyve him longer daye.

L. KEEPER. I was wylling that the merittes of the cause myght be herde here. My greefe is that he makes me the cause of this exhibiting his petition.

Resumed.

The L. Keeper dyd sett downe the questions, and the House approved them.

1 Question. Howe he cann prove that he was not fully herde?  
 2. Whether he had any wytnesses herde, and howe many?  
 3. What other wytnesses he had besydes to be herde?  
 4. SAY. Whether his counsell or himselfe dyd offer any more wytnesses to be herde?

The House is resumed.

L. Keeper.

The L. Keeper reade out of a paper the questions.  
 Agreed on, to be demanded of the petitioner.

[Examination of Sir J. Bourchier.—L. J. iii. 190.]

The prisoner withdrawen.

COVENTRY AND LICHFIELD. Understanding of this appeale by my Lord Sh[effield] I went to the L. Keeper to meadiate the same; not as a messenger. I found the L. Keeper wyllinge, &c. but feared inconveniency, by rehearinge of causes.

The LL. proceeded to the proofes.

L. KEEPER declared why the explanacion of the L. Chief Baron's awarde was not read; for that the opynion of the judges was against yt, that an explanacion shoulde be herde, &c. an awarde wheruppon 2 former decrees were grounded.

This decree argued, &c.

SAY. To come to the hearing of wytnesses *ex parte* Sir J. B[ourchier].

MARSHALL. None but the registers. The judge first.

Not as wytnesse but as a judge by way of relation.

[Declaration of Mr. Justice Chamberlain. Examination of witnesses.—L. J. 190.]

Dec. 11.

Sir J. B[ourchier] called in, and the L. Keeper signified unto him that the registers were examined and herde.

Demaunded of him howe he woulde make good his assertions of the mishearing of his cause.

[Sir J. BOURCHIER.] 2 or 4 wytnesses reade on the other syde which I allso examined, but they were not reade for me. I produced Sam. Peacocke uppon the explanacion and refused.

L. CHAMBERLEYNE. That no wytnesse was denyed, because the explanacion was refused.

L. KEEPER. I insisted uppon the bargayne of 500<sup>li</sup>, wherof 100<sup>li</sup> was paid by Mompesson, and 400<sup>li</sup> behynde; but Sir J. Bouchier had lande worthe 100<sup>li</sup> per annum and more in his handes for the rest. Heruppon wytnesses were read on bothe sydes to prove the valewe of that lande.

Mr. J. Chamberleyn stated the cause, and that 2 wytnesses on each syde were reade to proove the vallewe of the lande.

Sir J. B[ourchie]r was putt in mynde to name his wytnesse refused to be reade.

He coulde name none that he urged to be herde but Samuel Peacock, touching the explanacion of the L. Chief Baron's awarde: yett he had some 15 wytnesses besydes which he dyd not urge to have herde.

He humbly desyred a favourable hearing of the meritts of his cause.

The deposicions of the 2 registers and Mr. Henley were reade unto the petitioner.

Sir J. B[ourchie]r desyred he might take excepciions unto the 2 registers, and gave his reasons.

Sir John B[ourchie]r was withdrawn.

EARL MARSHALL remembred the proofes and wytnesses produced. Touching the complaint, whether yt be be juste, or noe?

Question. Whether uppon this, we shall enter into the meritte of the cause, or noe?

ARCH. CANTERBURY. That Mr. J[ustice] Hutton dyd concurre in substaunce with Mr. J[ustice] Chamberleyne.

Dec. 11.  
 Explanacion.

SAYE. The petition not to be rejected. To heare proofes for Sir J. Bouchier, whether the L. Chief Baron's declaracion were pertinent or noe to be herde.

ARCH. CANTERBURY. I rest satisfied that Sir J. B[ouchier] had noe such greate cause to complayne. For the honour of the House and the L. Keeper, another daye to be gyven to Sir J. Bouchier.

SHEFFIELD. That Sir J. B[ouchie]r may produce wytnesses allso on his syde to be examined.

PRYNCE. Sir J. B[ouchie]r sayd he coulde not bryng wytnesses to prove a negative.

ROCHFORD. The L. Keeper to be cleered presently, though the censure be deferred.

MARSHALL. Sir J. B[ouchie]r to be once more called, and to knowe of him whether he can saye any thinge more to the inducements that we shoulde enter into the meritt of the cause.

CAMBRIDGE. To be called in and asked.

Denied.

Whether he had any stronger inducements then are expressed in the petition that the cause shalbe reherde.

Agreed to be  
 asked.

Whether he can produce any stronger wytnesses or further proofes to proove that his cause was not fully herde, accordinge to his petition, yf he hathe longer tyme gyven him by the House.

ELY remembred the aspersion on the registers.

Sir J. B[ouchie]r at the barre.

Whether, &c. *ut supra*.

[SIR J. BOURCHIER.] I hoape I shall not be putt to that, for yt wylbe a very harde thinge for me to brynge any man to speake what is contradicted by your Lordship. I humbly desyre that my cause may be herde.

Withdrawen.

CAMBRIDGE. The L. Keeper to be cleered; yett the cause to be herde for the merittes therof.

DORSETT. The counsell on bothe sydes to be herde, viz<sup>t</sup>. Mr. Sergeaunt Crewe and Mr. Attourney, and the cause to be herde here, and the censure to be accordingly.

Dec. 11.

PRYNCE. Not to be herde any more, for his desyre of reviewe is, for that his cause was not fully herde, and yt apperes yt was fully herde.

SHEFFIELD. *E contra*; for that Sir J. B[ourchie]r was not herde, viz<sup>t</sup>. the explanacion of the L. Chief Baron's awarde was not herde.

PRYNCE. That mediacion (be yt whatsoever) was not an essential poynt.

ARCH[BISHOP OF] CANTERBURY. Expedicion to clere the L. Keeper, for Sir J. Bouchier requyres noe longer tyme to prove himselfe not fully herde. The cause to be herde afterwarde.

3 questions propounded:

1. To clere the L. Keeper.

2. To censure the petitioner.

3. Whether tha cause shall be herde, or noe?

1 q. Whether the L. Keeper gave the petitioner Sir J. Bouchier a full hearinge of his cause, or noe?

BRIDG[WATER]. Whether the rejecting of the explanacion of the awarde of the L. Chief Baron the cause was fully heard notwithstandinge?

Agreed by  
dyvers this ex-  
planacion was  
not necessarye.

L. CHAMBERLAIN. The cause to be herde uppon another petition, but not uppon this.

Question. Whether this cause in question had a sufficient hearinge, or noe?

Such of my Lordes as are of opynion that this cause in question had a sufficient hearinge, saye—Content. Such as are of another opynion, saye—Not content.

Question was putt:

L. Dygby.

Whether in that case of Sir J. B[ourchie]r the L. Keeper is to be freed of any precipitate or hasty hearinge as is alledged in the petition.

Agreed unto.<sup>a</sup>

<sup>a</sup> The names of three Lords recorded as dissentients have been carefully obliterated. Those of Sheffield and Essex are still to be read. The third is a short name, and may possibly be that of Saye.

Dec. 11.

DIGBY. That the partie be censured.

SUFFOLK. *Ad idem.*PRYNCE. *Ad idem.*

Question. Whether Sir J. B[ourchie]r shall receave some censure or punishment, or noe?

Agreed.

Committees.

Sir J. B[ourchie]r to attende here to-morrowe mourninge.

Adjourned to 9 to-morrowe.

Dec. 12.

DIE MERCURII, XIJ<sup>mo</sup> DIE DECEMBRIS, 1621.

L. WALDEN. *Amicum* [?]. That Sir J. Bouchier shoulde erre soe much, &c.

L. KEEPER. Free, &amp;c. Wyll not directe for the censure.

MARSHALL. Remembred the vote yesterdaye for the cleering of the House and censuring of Sir J. Bouchier.

\* \* \* \* \*

Mr. Whittingham, that arrested J. Chappell the L. Staffordes man, brought to the barre. Released. J. Chappell to be brought hether to-morrowe mourninge.

ROCHEFORD. A proteccion from the L. Stafford to a blanke.

Denied.

HAUGHTON. That all that Lordes proteccions shalbe voyde.

Denied.

ARCH. CANTERBURY. To be remedied: a noate of all men priviledged to be brought in.

Agreed.

MARSHALL. The Sub-committees for Priviledges to gyve accompt on Fryday mourning next, what order they have taken or shall take for redresse herof.

DURESME. The statute to be explyained touching the word familiers, and priviledges to be stretched noe further.

SHEFFIELD. That Stafforde bryng in all his proteccions by a daye, and the L. Keeper to gyve his Lordship a cheeke for the same.

Dec. 12.

Deferred.

MARSHALL. To begynn where we lefte, viz<sup>t</sup>. the censure of Sir J. B[ourchie]r. The usuall manner is ymprisonment, fyne, acknowledgement.

DURESME. The accusation of Sir J. B[ourchie]r is grievous, beinge personall, and not proved, &c.

Foregyvennes here and in open courte.

NORWICH. A publique declaracion by Sir J. B[ourchier] of his calumny to the L. Keeper, and to be prynted and published.

STEWARDE. Agreeeth with the acknowledgment and ymprisonment, but not to the fyne.

COVENTRY AND LICHFIELD. To moderate the censure in respectes of Sir J. B[ourchie]r's many petitions, &c.

DORSETT. *Ad idem*. Acknowledgement only.

PRYNCE. The faulte is greater, &c.

MARSHALL. Noe judge to be appealed in this House, unlesse yt be for corrupcion or matter of injustice.

SAYE. The petitioner not to be censured at all in respectes of his \* —

Manye *e contrario*.

Questions:

1. Whether J. Bouchier shall acknowledge his faulte here, in this courte? Agreed generally.

2. Whether he shall acknowledge his faulte allso in the Chauncery? Agreed *per pluries*.

3. Whether Sir J. B[ourchier] shalbe imprisoned duringe pleasure, or noe? Agreed *per pluries*.

L. KEEPER. Humble thanks in his owne name, and of all the judges. The service he can doe is in the expedicion of cawses. Desyreth acknowledgement; he had noe mallice to him, he dyd only to induce the House to heare his cause.

Desyred for mitigacion from ymprisonment; from acknowledgement in the Chauncery, where he carryed himselfe modestly.

Agreed.

\* The word "humillitye" is obliterated.

Dec. 12.

Well approved of, with thanks backe to the L. Keeper.

To be entred.

CAMBRIDGE. Bangor mencioned a conspiracye. Moved, that he may exployne himselfe.

Sir J. Bourchier at the barre: kneeled.

Wylled to rise up.

Sentence pronounced by the L. Keeper, vizt.: To acknowledge his faulte here, and in open courte in the Chauncery: to be ymprisoned duringe the pleasure of the LLds.

Withdrawen.

L. MARSHALL. }  
CAMBRIDGE. } Appoynted to drawe up the submission.

They retourned the fourme of the acknowledgment. Read and allowed generally.

Sir John Bourchier at the barre; and on his knees made the sayd acknowledgment. Then he standinge up, the L. Keeper declared that at his suyte the acknowledgment in the Chauncery and the ymprisonment are remitted; for which he thanked his Lordship.

MARSHALL. That Bangor may discover the conspiracy or cleere the House. That no member thereof entended this conspiracy.

BANGOR. That he neither knewe nor once thought that any of this House dyd conspyre, &c.; that he herde yt abroad, that there myght be some conspiracy abroad to hurt my L. Keeper, &c. He herde yt in pryvate: desyred not to utter yt in publique.

Graunted.

L. KEEPER. All my decrees have ben reviewed: yea, all my orders and peticions.

PRYNCE. That when a sentence is to be gyven, noe Lord is to departe out of the House.

Yt is the aunyent order of the House allready.

Noe Lorde when a question is propounded is to departe.

Adjourned to 9 to-morrowe.

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DIE JOVIS, 13 DEC. 1621.

Dec. 13.

\* \* \* \* \*

DIE VENERIS, 14<sup>to</sup> DECEMBRIS, 1621.

Dec. 14.

ROCHEFORDE. The Sub-committee for Priviledges mett yesterday. Sir J. Bennett. Moved, that they may nowe meete and consider of the colleccion of what they agreed on.

They went accordingly.

Beinge retourned, the L. Pryvy Seale reported, that the generall was referred the L. Arch. of Canterbury. The particuler is in wrightinge. Reports.

Read 1 *et* 2 *vice*.

L. KEEPER moved, that hereafter none shalbe sent for, unlesse the complainant putt in securitye to paye costes yf he proves not his allegacion. A reporte only, noe order.

SAYE. Noe mocion to be entred as an order, unlesse the L. Keeper firste demaunde the opynion of the House whether the House wyll allowe the same as an order or noe?

HAUGHTON. And then the same to be sett downe and reade.

L. DIGBYE remembred his Majesties message to bothe the Houses joyntly.

He gave an accompt of his negociacion, and allso of the presente state of the buissines. That the fallinge downe of Count Mansfeild into the Lower Palatinate woulde proove noe reliefe, but rather prejudicall yf not supplied. He hathe herde synce; for, making haste from Bruxelles, he lefte one to receive the Infantas aunswere; synce which tyme the buissynes in the Palatinate is lytle advaunced. Count Mansfield is entreated to withdrawe himselfe. He cannot staye longe, and dyvers treatyes are offred him, and fayre condicions

Dec. 14. offered him. Yett yf he may in any reasonable convenient tyme be assured of a support from hence, he would stande out as long as he may in the meane tyme.

Spyres.	}	Much.
Lorreyne.		
Wittenberg. <sup>a</sup>		

Moved.

Wheras he sayd, whyllest the Kinge dyd treate, the Kinges children are, &c. I see that the, &c. That your Lordships woulde take yt into your consideracion, what may be done for a present supply, &c. Protested his owne industrie and forwardenes allwayes in this his negociacion. The succeſſe, &c.

He therefore comendes to your care how theſe letts, &c. may be removed. Yf a watcheman, &c.

I have done my duetye. Pardon me that yt ſucceed not well.

L. HAUGHTON. The neceſſity of thing [?]. In long deliberacion by the Commons. Proposed, that the Houſe of Comons, whoe have had conferences and condeſcended to ſome forme of reliefe; there may be a conference with them about the ſame.

SAY. *E contra*, as yett.

DIGBY. For a conference: to repreſent the daungers and the preſent and ſodeyne occaſions which may be loſte, yf not nowe taken holde of.

L. PRESIDENT. Newe occaſions, newe counſell. A conference with the Lower Houſe. The ſubjecte therof to be firſte propounded and then prayed.

MARSHALL. 1. How the buiſſines myght not ſuffer. 2. We to teſtifye that he hathe diſcharged his duetye; for the 1. we nowe to diſcharge ourſelves, at the which muſt be either to acquaint the Kinge or to quicken the Houſe of Commons: for much time is ſpent ſynce we were firſte acquainted with yt. For a conference.

L. KEEPER. The mocion is proper to this Houſe. A queſtion

<sup>a</sup> Würtemberg.

may be, 1. Whether a conference shalbe with them, or noe? 2. What the heddes of the sayd conference shalbe? Dec. 14.

BROOK. The conference must be either by waye of narracion (and that must be newe and pregnant) or by way of instigacion, which I thynk not fytt nowe: and the other wylbe unpleasinge unlesse a newe matter be shewen. For a conference by way of narracion. A meeting only is to be prayed.

1. Question:

Whether there shalbe a meeting with the Lower House concerning the L. Digby his narracion, or noe?

Agreed generally.

The L. Keeper to make an introduccion, and the L. Digbye to then reporte this narracion. Agreed.

L. DIGBY. That he be directed either by the House or a Committee for his narracion.

The L. Keeper desyred the lyke.

The L. Digby to sett downe the hedds of his narracion against to-morrowe mourninge. Agreed.

*Adjournatur* to 9 to-morrowe mourninge.

# DIE SABBATI, 15 DECEMBRIS, 1621.

Dec. 15.

[Question of Lord Gerard's Privilege, &c. Presentation. Declaration by the Archbishop of Canterbury of the Book of Privileges prepared by the Committee.—L. J. iii. 196.]

L. HAUGHTON. Whether a Peere of the Realme or Lord of Parlement shalbe pressed to sweare upon his oathe or proteste upon his honor; and cyted dyvers presidents, that the nobillity sometymes by their honour, by their chevary [?].<sup>a</sup> A<sup>o</sup> Ed. 6, the Bishop of Winchester protested on his fidellitye, and is soe entred in the delegates.

MARSHALL. The Committee to ryphen this for the judgment of the House, yt beinge a matter of soe great consequence. Ordered.

<sup>a</sup> Qu. Chivalry.

Dec. 15.  
Agreed.

SHEFFIELD. A tyme for this to be appoynted. Mondaye mourninge is appoynted by a Comittee of the wholl House, and all the Judges to attende.

L. KEEPER remembred the meeting to be with the Comons about my L. Digby his narracion.

L. DIGBY. Propounded whether he shall repeate the same agayne he dyd yesterdaye; or the House to disgest the buissines, and to make yt theirs.

Agreed.

The L. Keeper to beginn with an introduccion, and the L. Digby the narracion.

L. DIGBY. Advertisement that Mannsfield was come downe. Frankendale relieved. Nowe that the D. of Bavaria's army followed him. That our friends entreated him to departe into an enemyes country. That dyvers treatyses with him since; good termes offred him. His hoapes to be only relieved from hence. The Princes our friends are, &c. That the Duke of Saxony hath expostulated with the Emperour on the Palsgrave behalfe, that the proposicions of the King of England myghte be accepted.

MARSHALL. That a bare narrative be made only to lett them knowe the daunger, and the hoape.

The L. Keeper and L. Digby to meete aforehande.

SHEFFIELD. Noc applicacion to be made of this. To be resolved howe we shall take knowledge of this.

PRYNCE. Digby delivered this to us in discharge of his conscience, and we to them in discharge of ours.

Agreed.

A narrative only.

L. KEEPER. Whether this be a fytt tyme for this message, or noe? The Commons being nowe soe buissye to prepare for a Session.

Tuesdaye nexte appoynted for the message to be sente for this conference touching the L. Digbyes narracion.

Adjourned to 9 on Mondaye.

DIE LUNÆ, 17 DEC. 1621.

Dec. 17.

\* \* \* \* \*

Peter Birde, under sheriffe of Gloucester, complained of by Tho. Cole, 6 December, he only executed a wrytt of *elegit* by his deputy and sent presently that the goods be not removed, nor are not. Tho. Cole.

L. CHAMBERLAINE thinks the priviledge dothe not stretch to goodes, and they are not to be delivered.

L. KEEPER. That Cole may be ordered to paye the under sheriffes charges. The Sub-committees to consider of this.

DURESME. That the priviledge is expounded by the Commons to stretch to the goodes as well as to the persons.

*Pro et con.*

Not to be insisted uppon nowe.

SHEFFIELD moved —

L. PRESIDENT. Yt dothe not stretch to a servaunt for goodes and landes, as for the person.

HAUGHTON. This to be referred to Sub-committee for Priviledges, and also whether Cole shall paye the under sheriffes charges. Agreed.

Peter Birde at the barre agayne. Discharged.

Yf yt be found that Cole his goods may be freed from execucion, then he is to pay your charges; in the meane you must paye them yourselfe.

L. SHEFFIELD remembred the order on Satterday last, that the wholl House shall at this tyme be a Committee to consider whether a nobleman shall take his oathe, or noe.

HAUGHTON. The booke of the Colleccions of the presidents not yett bounde. Whether you wyll use the booke as yt is, or staye untill to-morrowe?

Question. Whether this matter shalbe nowe handled, or deferred unto Wensdaye?

The questyon was putt, Whether this buissines shalbe putt of till Wensday next, or noe?

Dec. 17. Such of my Lordes as are of opynion that this buissines shalbe putt of till Wensdaye nexte, saye—Content: the others,—Not content.

Agreed to be deferred till Wensdaye.

Ordered. HAUGHTON. This particuler concerninge the oathe putt of till Wensday. Moved, that all the LL. maye be requyred to be here on Wensdaye nexte at 9. That then there may be a full House. To discusse the matter of oathe to be taken by the nobillitye, which is appoynted to be handled that daye.

Excepte all such Bishops as have long journeyes home.

L. KEEPER. Necessarye the L. Bishops to be present at the determyninge of this buissines.

Committees for concealments to meete on Wensdaye nexte, at 2 *post meridiem*, in the P[ainted] Ch[amber].

Adjourned to 9 to-morrowe mourninge.

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#### DIE MARTIS, 18 DEC. 1621.

Dec. 18.

[Questions of Protections granted by Peers.—L. J. iii. 199.]

SAY. Greate grievaunces for theis priviledges.

A Comittee to consider whoe shall paye ffecs, and whoe not. That all the Lordes woulde be pleased to call in all their proteccions. He that protectes any hereafter to gyve in his name.

\* \* \* \* \*

Adjourned to 9 to-morrowe mourninge.

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#### DIE MERCURII, 19 DEC. 1621.

Dec. 19.

PRYNCE delivered the Comission to the Clerke for the adjourne-ment of the Parlement.

Reade.

Dec. 19.

Delivered to the Prynce.

After a shorte speech, the L. Keeper received yt and sayd:—

By virtue of this Commission the Comissioners doe adjourne the Parleмент accordingly unto the viij<sup>th</sup> of February next.

*Prout* 4<sup>to</sup> Junii last yt was adjourned.

Then the Comission was delyvered unto Mr. Justice Wynch and Justice Jones, whoe were sent to the Commons to shewe yt them, and to certefye them that the Parleмент is adjourned by virtue therof.

Retourned after longe staye.

Aunswered:—They signified the adjournement of the Parleмент by the Prynce and other Comissioners unto the 8 of February next by virtue of the Commission, &c. which they shewed.

R<sup>o</sup>. Aunswered:—They wyll, accordinge to this Commission, adjourne their House unto the sayd tyme.

DIE VENERIS, 8 DIE FEBR. 1622.

Feb. 8.

Dyvers LL. beinge come, as well the Comissioners as other Lordes, and a many of the Comons,

Prayers were sayd.

The Lordes syttinge all in their due places, the Comission was reade.

Which beinge reade, the Comissioners sate uppon the midle bench, and dissolved this late assembly of Parleмент.

*Et sic dissolutum est dictum Parliamentum.*

H. E.





# APPENDIX.

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## I.

### PROCEEDINGS IN THE HOUSE OF LORDS FROM MARCH 22 TO MARCH 26, 1621.

[FROM A MINUTE-BOOK IN THE HOUSE OF LORDS.]

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DIE JOVIS 22<sup>o</sup> DIE MARTII.

A<sup>a</sup> mocion made by the PRINCE to the Lo[rd] Sheffield to keepe orders. Whereupon the E. OF SOUTH[AMP]TON and Lo[rd] NORTH moved that the House should be adjourned, that in this case every man might have freedom of speech, wherenpon it was generally agreed that the Honse should be agreed, and so was, whereon there was debate touching Sir Gyles Mompesson.

March 22.

Sir Randolphe Crew }  
Mr. Attorney General } appointed to collect judgement.

The subsidies of the Temporalty and the Clergie brought into the House from the King.

A mocion of the Lo[rd] HOUGHTON that the Honse should not be prorogued till Tuesday or Wednesday, in respect of these great affairs now depending.

[THE MARQUIS OF] BUCKINGHAM moving to end on Monday, in respect of some great occasion.

THE B[ISHOP] OF DURHAM his mocion that if it were possible to end speedily according for devoicion's sake, acknowledging it a fault to that bench whereon he satt that it was not first moved by them.

MY Lo[rd] CHIE[F JUSTICE ———?] againe proponded certaine questions to be sent downe [to] the Lower House.

Lo[rd] Ch[ief] Baron }  
Baron Denham } to prepare the message.

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<sup>a</sup> There are two or three lines before this, but the paper is so worn that they are illegible.

March 22.

To move the Lower House to present themselves with [the]ir Spea[ker] in the House, if it be possible presently, for the pa[tent] of the royall assent for the subsidies, and withall to lett them [under]stand of the House's purpose for the adjourning of the Court with —? on Tuesday next.<sup>a</sup>

Touching the Lo[rd] Chance[llor].

Sir J. Finnett	}	sworne publicly in the Court.
Sir Eubul[us] Thellwall		
Jo. Young	}	sworne publicly in the Court.
Wm. Hatcher		
Jo. Hankey		

Pecoakes confession upon his oath delivered into the House in writing. Subscribed.

The examinacions of Wm. Pecoake read, being the day before taken.

Entended to have his mony againe of the Lo[rd] Chann[celor].

Ja[mes] Rolfe Mr. Pecoakes uncle to be presently sent for and examined.

Ch[ur]ches<sup>b</sup> declaration reade touching the Lo[rd] Chan[celor].

Ja[mes] Rolfe sworne publicly in the Court.

Lister was sent to Mr. Rolfe for 500<sup>d</sup> w[hi]ch hee had,<sup>c</sup> 500<sup>d</sup> in Michalmas last, 100<sup>d</sup> more presented by way of grat[uity].

1. An answer returned againe of the message formerly sent. They will be ready at 2 to hear the K[ing]'s royall assent to the Sub[sidies].

2. They will meete in the Painted Chamber well prepared for a conference.

For day of Recese.

For the day of retourne they will consider it, and lett you understand.

#### POST MERIDIEM 22<sup>o</sup> DIE MARTII.

Presidents read in 28 et 29 Eliz. for president touching the royall assent of the Sub[sidies] of the Temporality and Clergie.

The Lower House with their Speaker being presente, the letter pattent was publicly read to both the Houses, wherein his Ma<sup>ty</sup> royall assent was declared touching the 2 Subsidies.

Bis[HOP] OF DURHAM. That [they] take order for a conference, and appoint their speaker.

<sup>a</sup> The paper is torn, see L. J. iii. 63.

<sup>b</sup> Churchill, I suppose; but, though the letters in brackets are not quite distinct, the rest of the word is plain.

<sup>c</sup> The paper is torn, so that there may have been a short word after "had."

March 22.

E[ARL] OF PEMBROCK. That they be acquainted that Tuesday should be the day of excesse.<sup>a</sup>

Lo[RD] HAUGHTON. That he thought good not alter any course contrary to their wills touching bonds.

Lo[RD] TRE[ASURE]R. That whether the House should not take bounds to keep them. Fr. Michell, M. Person, Fr. Michell.<sup>b</sup>

E[ARL] OF SOUTH[AMP]TON. That we should be very tender concerning Michell, for that he was never in our custodie.

A conference with the Lower House presently had in the Painted Chamber.

La[dy] Dorothy Wharton sworne in the Court publicly.

Wm. Pecoicks examinacion publicly read in the House.

A report by my Lo[rd] Tre[asure]r touching Michell and others, from the Lower House.

HUNSDON. A motion that Fowles should be closely kept in, otherwise it is thought hee will slipp.

Fowle and Gelder committed to the Warden of the Fleete by a speciall order.

A mocion by the Lo[rd] Tres[urer] that there should be in the interime of the determinacion of the busines no wast of bullion by the gold and silver drawers.

Sir Peter Vanlowe	} sworne publicly in the Court.
George Magaine	
Jo. Hearne	
Boswell.	

Churchill's examinacion openly read in Court.

A mocion of the Lo[RD] HAUGHTON. That a comittee to be appointed to search the rooles, and not to trouble the House with a serch themselves.

That the subcommittees may<sup>d</sup> consider this search, and to examine records in the Tower.

E[arl] of Huntingdon; E[arl] of Warwicke; Lo[rd] Haughton.

The oath of the House given to such persons as are to be sworne:—

You shall sweare that you shall true answere make to all such questions and interrogatoryes as shalbe mencioned unto you by this high Court, or by the Lords the committees, or by any person or persons authorysed by this high Court; you shall say the truth, the whole truth, and nothing but the truth, and you shall not spare to doe soe, neither for feare, favour, affeccion, or any other cause whatsoever, whether your deposicions be in writing or word of mouth. Soe healde you God, and the contents of this booke.

<sup>a</sup> *i.e.* of the recess.

<sup>b</sup> The Christian and surname and the preceding "Fr." are inserted above the line.

<sup>c</sup> Mompesson.

<sup>d</sup> to may, MS.

March 23.

FRIDAY 23<sup>o</sup> DIE MARTII, 1620.<sup>a</sup>

[List of Peers present.]

POST MERIDIEM 23<sup>o</sup> DIE MARTII.

[List of Peers present.]

The Lo[RD] NORTH offered a petition of Ed[ward] Egerton touching writings, &c. extat.

The Lo[RD] SHEFFEILD. That this petition remayne in the House till the House meet againe after Ester, not having any tyme to consider it now.

The E[ARL] OF ARUNDELL.

Tho[mas] Norton, Jervis Unwin, Antho[ny] Berry, sworne openly in Court.

Sir Ra[ph] Hanchib<sup>b</sup> sworne openly in Court.

Order.

VENERIS, XXIII<sup>o</sup> DIE MARTII, A<sup>o</sup> 28<sup>o</sup> RRs J[ACOBI], POST ME[RIDIEM].

Upon the reading of the petition of Edward Egerton, esq. by which he humbly desired Sir Rowland Egerton, knt. to be ordered forthwith to produce upon oath certaine indentures and writings in the peticion mencioned, to the ende the said Ed[ward] Egerton may have coppies thereof; yt is ordered by this High Court of Parlyament, the petition to remayne with the clerke untill the corrupeion and brybery (formerly complayned by the peticoner) be determyned, and then their Lo<sup>rs</sup> will take yt into their consideration.

Ex<sup>r</sup> per H. El[sing], Cl. Par.

E[ARL] OF SOUTH[AMP]TON. That they have enquired of divers, and amongst the rest one Sir Raph Hanchen,<sup>b</sup> who refused to answeare to somme particleners touching the Lo[rd] Chauncellor, for that as he sayed it concerned himselfe in regard of the giving of mony, and therefore the E[arl] desired to know their pleasure whether hee should be pressed to answer to the questions or no.

The PRINCE. Whether this question be against himselfe or no, and no doubt that he should not speake against himselfe.

It was desided by divers Lords, E[ARL] OF PEMB[ROKE] and E[ARL] OF RICH[MOND], &c. that yt was no way to accuse the party examined, bnt to make knowne the briberyes of the Lo[rd] Cham[cellor].

<sup>a</sup> Here the book is turned round, and the remainder of the MS. is written from the other side.

<sup>b</sup> Hansby.

Lo[RD] SAY. That by no means<sup>a</sup> the examinacions here taken should be drawne to any other courts to the prejudice of the examinats.

March 23.

E[ARL] OF CAMBRIDGE. That it would be no prejudise to the partic confessing to acknowledge uppon his oath may accuse himself.

The House a Committee for freedom of speech.

The Lo[RD] DENNY. Whether . . . . .

The PRINCE. Whether the giving of bribes in a good case could cause the cause to be reversed; which the Lo[RD] SAY seconded.

The B[ISHOP] OF SALISBURY. That corrupcion as well in the giver as receiver.

The Lo[RD] SHEFFIELD.

The House resumed.

Ordered *per curiam*.

Ordered that th[e]is examinacions may not hereafter be used in any other cause, nor in any other courte.

El.<sup>b</sup>

The report of the Lords' Committees touching their search of records in the Tower.

E[ARL] OF HUNTINGDON. That after a brief relacion in publique for the power of Parlyament.

E[ARL] OF WARWICK. Undertooke the pening in respect of his understanding the French wherein it was inacted.

Offences of Sir Gyles Mompesson touching Innes and Hos[telries].

26 MARCH, 1620.

March 26.

[List of those present. The King's speech, iii. 68.]

#### Remembrances.

1. A letter of my Lo[rd] Chaunc[cello]rs. Letter for my Lo[rd] Russell. 2. A letter of my Lo[rd] Chaunce[llor]s for my Lo[rd] Hanton.

The King's speech for the E[arl] of Warwicke, and an other copie or two others.

Ordered that the Lords should attend the King this day after dinner to give his Ma<sup>tie</sup> thanks for his gracious speech.

Order.

1. For Innes, &c. A breefe touching Sir Gyles Mompesson's abuses read publicly.

2. Gold and silver thread. A breefe touching gold and silver thred read. Abusively used by Sir Gyles Mompesson.

Deposicons and proffes touching the busines aforesaid read publicly in the House.

Humber Cort his deposicions, with a humble desire to have releife.

Lo[RD] SHEFFIELD. To know whether demanding to be bound in bonds are

<sup>a</sup> no noneans, MS.

<sup>b</sup> Elsing.

March 26. crimonus, having powers to restrayne them from working being but demanded. To know whether he had not power to restraine them from working in their trade.

[The King's speech.—L. J. iii. 68.]

SOUTH[AMP]TON. That if they entred into bonds voluntarily it was no offence, but I conceave he enforced yt, and therefore it was unlawful.

ARUNDELL. To heare the poyntes whereby to ground our censure, and agreeing to the E[arl] of South[amp]ton in his opynyon.

SPENCER. That if the office were erected without warrant whether it were not a preminure, treason, &c.

LO[RD] SAY. That they might see the extractures sent up from the Lower House.

ARCHB[ISHOP OF CANTERBURY]. To have the heads breefly read; for if they were warranted the fault was the lesse.

The breefes of the whole abuses read in open Court, w[hi]ch Sir Randolph Crew in divers poyntes opened to their Lo<sup>ps</sup>, and informed them of law in these poynts.

BUCKINGHAM. Whether these . . .

The warrant dormant written with one hand and dated with a nother hand and other incke.

The examination of Tho[mas] Norton with the proffes publicly read.

E[ARL] OF PEMBROOK. That messengers might be sent to the Lower House, &c.

Mr. Serjeant Finch } Went to the Lower House to desire them to sitt

Mr. William Birch } this afternoone.

Bartholl[emew] Wake. His petition to Sir Gyles Mompesson touching gold and silver threed.

3. A breefe of the cancellments.

Mr. Attorney Generall opened divers poynts to their Lo<sup>ps</sup> touching these abuses.

SOUTH[AMP]TON. We tooke care to ease your Lo<sup>ps</sup> in our search with healp of 2 gent[lemen] of the Lower House, who looked over the records and rooles and sedules, &c. w[hi]ch, if your Lo<sup>ps</sup> please, may be scene, or else to take it on our creadits.

BUCKINGHAM. That we might proceed upon oath, and not by the reports.

The answer of the Lower House that they will sitt in the afternoone as is desired.

ARUNDELL. That the King be moved for a petition; herein, it is to be considered whether the beating, &c. of silver should be prohibited.

Sir George Moore swore openly in Court. This peece of ground lyes neere my poore house w[hi]ch I purchased with the mannor of the late Queene, w[hi]ch I caused to be survaied; and therefore the better I can say what the quantity and quality is, w[hi]ch is neere about 600 or 700 acres, 10s. or 13s. 4d. an acre, between Gilford and Godding.\*

\* Mompesson had valued the whole as concealed land at 10s. a year, according to L. J. iii. 70. The entry is the first in Mompesson's book in the House of Lords' MSS

BUCKINGHAM. That he desires a favorable censure of him, for that he cannot come this afternoone, for which he asked leave, and that no man hath bene more abused by Sir G. M. then himselfe, and would . . . .

March 26.

26 MAR[C]H, 1620, POST MERIDIEM.

[List of Peers present.]

LO[RD] HAUTON. I like this course well, but should allowe of it better if all might have satisfaccion in the sent[en]ce, because they are to give an accompt for yt, it were good to jndge [s]cienter: the Lo[rd] jndges might have their opinion asked in this case for forsing bonds by great threats, &c.

ARUNDELL. Whether to life or no?

Answered by a general consent:—No.

Degraded by the House of his knig[ht]wood.

CAMB[RIDGE]. Whether, he being absent, he can be degraded of k[nig]twhood?

SOUTH[AMP]TON. 3 things principally aimed at:—

1. To putt all things anisse might be sett wright, as the King to call in those pattents granted.

2. All ines in the contrey that hath bine by him sett up, put downe.

3. In the towne, to sett wright those things in the towne.

3. To make a recompence to those that have been imprisoned, and a restitution to be made with that estate that he hath, to degrade him and banishe him, but yet leave it to the King's pleasure.

LO[RD] SHEFFIELD. According with the last Lord S. But being they have justly paid for them, though by an unjust meanes, should not be dismissed.

LO[RD] HAUGHTON. 50 Edw. 3 a person adjndged imprisoned and his lands confiscate. His abuses have bene so great that his estate being devided would not be a habenny for a pound, but that to the King; and degrading.

LO[RD] PAGETT. Whether parte of yo[ur] Lo[rds]hips' judgement, or leave it to the King.

LO[RD] SAIE. I hold he deserves as ill as any malyfactor, &c. He hath a kind of pretence of equity for what he hath done. I conceive that for the honour of the King, content of the subject, he be sentenced as high as may be, except blood. Yet to sentence his banishment, which yet lyes in his Ma<sup>ty</sup>s power to, &c.<sup>a</sup>

E[ARL] OF CAMB[RIDGE]. That in respect of his great favor of our master—

and stands thus: "Surr. Firma totius illius parcelli terræ vastæ cum pertinentibus vocatæ Peazemarshe. jacentis in parochia de Godlymen in comitatu Surrey, per annum x s."

<sup>a</sup> To pardon.

March 26.

E[ARL] OF BUCKINGHAM.

Lo[RD] SAY, explaining.

E[ARL] DORSET. That imprisoning —

Lo[RD] DANVERS. That the estate of the — (?) to the King, and commended to him by the House with a commendacion.

Lo[RD] SHEFFIELD. Those of the innkeepers by —

3<sup>a</sup> things. 1. Punishment of his person. 2. To restitution of certaine persons greved. 3. To persons in generall in the contries.

Is degraded of his knighthood. Not to the prejudice his lady, nor lay an aspercion on his children, and though not to himselfe the things belonging to the degradacion, yet, touching his banished, that he shall loose his free law men-  
c[i]o[n]ed, and left to the King's pleasure, if all his dominions.<sup>b</sup>

An outlary that cannot be reversed for misdemenor and trespassse. To<sup>c</sup> be imprisoned during life. Nor nere the King's or Prince's court within 12 myles, nor any of the Courts of justice. The profits of his lands, his goods and chattells, wholly confiscate to the King during his life. That his testimony shalbe of . . . . That he shall undergoe fine and ransome of 20,000<sup>li</sup>, and cap[ab]le of no office under the King's dominacion. By the E[arl] Marshall Court to be degraded; that if there be found any mony in a [che]st, as is pretended, it should go to the poore for restitucion.

Lo[RD] HAUTON. That he hath heard that the Lower House should be called in, whereupon there hath bene prayed addicion.

THE PRINCE. That whether the things propounded, whether it should —

A general assent to those censure[s] propounded by the House.

Order.

Ordered that those innes that have benne formerly to continue, but those that have benne lately erected by his undue meanes, to bee putt downe.

[Message to the Commons. The Lord Treasurer's report of the King's reception of their thanks. Judgment on Sir G. Mompesson, L. J. iii. 72.]

<sup>a</sup> This is marked off by a line from Sheffield's speech, and there is another line after "contries," at the end of the paragraph.

<sup>b</sup> Perhaps this means, though his degradation is not to be remitted to himself, and he is to be outlawed, it is to be mentioned in the sentence that it is left to the King to remit the banishment in part.

<sup>c</sup> Preceded by the words deleted "if he returne and taken."



## II.

## DOCUMENTS FROM THE HOUSE OF LORDS' MSS.

## 1. GRIEVANCES OF THE GOLD WIRE DRAWERS.

About March, 1615, Robert Moore was sent for by Gouldsborow, the Pursyvant, to appeare before the Right Ho: the Earle of Suff[olk], but was not ymediatly carried before his Lo<sup>p</sup>, but reteyned in the Pursivant's custody twee dayes, and then brought before his Lo<sup>p</sup>, and, upon the false suggestions of the patentees, for refusinge to bee bound from his trade atteyned by service as an apprentice, hee was committed to the Marshalsey, where hee lay prisoner five dayes.

ROBERT MOORE.

About February, 1616, Thomas Ledsham was sent for by the said Gouldsborowe to appeare as abovesaid, but was not imediatly brought before his Lo<sup>p</sup>, but reteyned about 6 dayes in the said pursevant's hands, and then brought before his Lo<sup>p</sup> the Lord Knollys, and Sir Thomas Lake, and upon the false suggestions of the patentees, likewise for refusinge to bee bound from his trade atteyned by service as abovesaid, hee was committed to the Marshalsey, where he laye till Maye followeing.

THOMAS LEDSHAM.

Aboute the 4th of Aprill, 1617, the said Gouldsborowe came to the howse of Thomas Williams with a constable, and there searcht all the howse and chests for gould and silver threed, and findeing neither stuff, nor any workeing thereof, notwithstanding carried him away to his the said pursevant's owne howse, and there reteyned him about 4 dayes, and then brought him before the Right Ho: the Earle of Suff[olk], and upon the false suggestions of the said patentees, there likewise present, for refusinge to bee bound in 300<sup>l</sup> from workeing in his trade atteyned as abovesaid, hee was committed to the Gatehouse in Westminster. Upon which Sir Anthony Ben, the Recorder of London, together with Mr. Alderman Prescott and 12 others of the cheife of the Company of the Gouldsmaythes, went to Sir Henry Yelverton, then Attorney General, and offered themselves baile for the said Williams and the said Ledesham, then in the Marshalsey as aforesaid, but would not bee accepted, whereupon they were enforced to petition to the Lords of his Ma<sup>ty</sup>s Privy Conncell, after which, by their order, both the said Williams and Ledesham were dischargd, givinge bonds to forbear working of that parte of their trade till there mighte bee a tryall at lawe, whether the same were a parte of the usuall trade of a gouldsmayth, and to that purpose made an order under their hands, and soe were dischargd in May following.

THOMAS WILLIAMS.

About 4 yeares since the said Gouldsborowe came to the howse of Joseph Symons and searched the same, and carried away twoe flatting milnes, and divers other tooles for severall uses aboute the trade, and carried them away, alsoe to the said Fowles his howse, and there kept him prisoner till hee had entred into a bond of 40<sup>li</sup> to his Ma<sup>y</sup> to appeare, within 3 dayes after hee should bee warned, before his Ma<sup>s</sup> Privy Conncell, or any twoe of them, but never yett did warne him, but still keepeth his bond and tooles.

JOSEPH SYMONDS.

About the seaventh of May, 1618, the said Thomas Ledsham was, by a wyle, sent for to a tavern by one William Ireland, messenger to the patentees, and Thomas Norton, and there tooke him and carried him to Mathias Fowles his howse, one of the patentees, and there lockt him upp in a chamber, and soe kept him from 8 of the clock in the morneinge untill 4 or 5 of the clock in the afternoone, and in the interim the said Ireland and Norton came back and searched his howse, and, findeing neither gold nor silver threed, surprised one milne used for other works of his trade, which hee never yett could gett againe, and about 5 of the clock the same afternoone tooke him out of the said chamber, and carried him before Fraunces Michell and Henry Tweedy, esq<sup>rs</sup>, twoe of the comissioners, whoe, upon the patentees false suggestions, committed him to Newgate, where hee remayned prisoner about a moneth.

THOMAS LEDSHAM.

About May, 1618, the said Ireland and Norton came into the howse of Robert Patrickson, and brought with them for theire assistance Mr. Walldron, Marshall of London, untruly pretending direccion of Sir Tho: Haies,<sup>a</sup> the then Lord Maior, and there searcht his howse, and tooke from thence all such silver made upp in wyer and otherwayes as they found there, and alsoe broke open another man's chamber dore in the said howse, and tooke from thence a flatting myll, and other tooles for other workes of his trade within the same howse, and then carryed them and his servants to Finsbury Prison, where he remeyned half a day; then they carried them before the said Francis Michell and Mr. Tweedy, whoe, upon the patentees' false suggestions then there present, for refusing to bee bound from his trade atteyned as aforesaid, comitted him and one of his men to Newgate, and the other 2 to Finsbury Prison, where they all remeyned about 17 dayes, by reason whercof hee was constreyned to shutt upp his shopp, and by that meanes all his creditors came upon him to his utter undoinge.

ROBERT PATRICKSON.

Aboute Maye, 1618, the aforesaid Robert Moore, together with William Symons and Hugh Undrell, were warned by the said Ireland and Norton to appeare before the said Frauncis Michell and Mr. Tweedy, at the said Michell's howse, whoe

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<sup>a</sup> The first letter is written over, and is not clear. According to Maitland the Lord Mayor was Sir George Bolles.

accordingly did, and there, upon the patentees' false suggestions, and for refusing to become bound from their trade atteyned as aforesaid, with many opprobrious speeches, they were by the said Francis Michell committed to Newgate, where they lay six dayes, till they were discharged by order from my Lord Chaucellor upon a petition from the then Lord Mayor and Aldermen in their behalves.

ROBERT MOORE. WILLIAM SYMONS. HUGH UNDERHILL.

After all which the said patentees and commissioners findeing, as it should seeme, some imperfeccon in their commission, obteyned a newe one by way of enlargment, and in the same newe commission, amongst others, Sir Giles Mompesson, kt, was made a commissioner, whose strove rather to exceed then to equall the said Francis Michell and Henry Tweedy in his oppressions, courses, and contemptible and opprobrious speeches, where seeing these poore men toyled in this maze of afflictions, and that there was noe remedy, but they must submit themselves, were constrained to become undertakers in the said busines, which to effect, the said Sir Giles making them shewe, by his faire and allureinge speeches, the happines and benefit they should receive thereby, propounded unto them a certaintie of worke of gold and silver threed weekly, which was 400 marks or pounds a weeke, divided into 2 parts, vizt, 200<sup>li</sup> marks to be wrought by the patentees, and 200 marks by the undertakers, and each of the said undertakers to enter into severall bonds for the performance of each man's particular parte weekly to that numbers, every of the same marks to bee sealed with their seale, and to pay for every of the same 3<sup>s</sup> 8<sup>d</sup>. But the said Moore, and William Symons, one William Fludd, Anthony Ellingham, and Jane Trevell, certaine of the said undertakers, questioneinge with themselves how they should vent soe much as was propounded unto them for their parts, they were unwilling to become bound in such sort, but the said Sr Giles, still draweing them on with faire words and promises, tould them that if it did appeare their tasks were to greate, it should bee broughte from 400 marks a weeke to 300 marks; yf 300 marks were to greate, then 200 marks a weeke, for the instant intent was but to make it a settled buisnes.

Upon which induccing speeches they entred into severall bonds for workeing of each of their severall parts as above said, by the space of six monethes, to the intent that in the meane tyme they might see what sale they were like to have of their comodities, in case they should enter into newe bonds, after their former bonds expired, and wrought each of their suits weekly, and though they vented it nott, yett they paid their moneys for the same as aforesaid. But when their tyme was expired by the said bonds, then they paid their moneys, for that they had wrought during that tyme, and had a receipt thereof under Dike's hand, one of the patentees, and acquainted Sr Giles therewith, and soe desired their bond telling him they must surcease, for that they could not performe soe much as was ymposed upon them, for they had of the same greate quantities in their hands. But the said Sr Giles instead of performance of his former promises tould them after a most bitter and threatening manner that they should not have their bond, unless they would enter

into newe bonds either to worke as they formerly did, or not to use any refine silver at all, both beeing such instruments of their ruine—the making of the worke, for the reasons abovesaid, and the using of refined silver, the utter leaving of every parte of their trade, that they refused soe to doe; wherenpon the said S<sup>r</sup> Giles putt the said bonds in suite in the Exchequer, and if private notice had not bene given thereof, their goods had bene extended thereupon, which to prevent they were forced to appeare by their attorney there, whoe from that tyme to this could never gett anye further proceedings, nor anye of their bonds, save onely 2, viz. Mores and Symons, which they received on Monday last.

ROBERT MOORE, WILLIAM SYMONDS, WILLIAM FLOYD.

The mark  $\times$  of the said JANE TREVELL.

Since <sup>a</sup> the said Commissioners likewise about June 1619 the said Robert Patrickson for the reasons aforesaid, and for feare of a suite the patentees commenced against him in the Starchamber, which stood at proclamacion of rebellion, became bound as aforesaid for the working of ten marks a weeke for six months, payeing for the same as abovesaid, which hee accordingly hath done, and since hath desired his bond of the Commissioners, but it was and is denied without hee would seale to another of like condicion or a worse, which hee refused; wherenpon their officers searched what silver thread hee had in his workefolkes hands, and findeing thereof to the vallue of 8<sup>li</sup> seised the same, by which continuall oppressions hee was forced to leave his owne howse and betake himself to another man's, of which they understanding, Jervise Union their messenger with the constable and others came and broke open the doores, offred greate violence to the woman of the howse, and warned him to attend the Commissioners 2 dayes after, where when he appeared, upon the patentees' false suggestions and their officers there present, the said S<sup>r</sup> Giles and Justice Michell committed him to Newgate, where hee remained above fifteene weeks, within which tyme they seised other worke putt forth by his wife for the maintenance of themselves and family; and further, before hee could bee discharged, compelled him to enter into a bond of 200<sup>li</sup> not to worke in six monethes in the said manufacture, which bond they still deteine.

ROBERT PATRICKSON.

John Chalmer hearing of these oppressions and beinge not able to make such opposicion (in respect of his povertye) as others did, to avoid the same (havinge to his greate charges provided manie necessarye engins and tooles for the better perfectinge of his worke, which he was faine to carye out of his house and lost some), was forced to absent himselfe a longe time, with the losse of much benefitt which in that time hee might have reaped towards the mayntenance of his familye consistinge of tenn or eleven persons; allsoe hee was compelled to enter in two severall bonds to his Ma<sup>tie</sup> to undertake to bringe in (weeklie) unto their office xiiij pounds of gold and silver threed to be seald with there seale, and for every pound

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<sup>a</sup> Perhaps this should be "Since, to the said," &c.

of stuffe soe sealed to paie 3<sup>s</sup> 8<sup>d</sup>, which bonds hee was forced to seale or ells to suffer imprisonment, the former of which he hath almost satisfied, and the latter, by reason of his many hinderances (beinge not of abilitye to leave them out as others were), could not sett himselfe in worke to performe the condicion thereof, and humbly therefore desireth his bonds aforesaid.

JOHN CHALMER.

## 2. THE EXAMINATION OF JOHN NANFAN, WIREDRAWER.

After a longe and tedious apprenticeshipp, having sett up for my selfe hoping to enjoye my trade, for which I had spent 8 yeares service, I was sent for before Sr Giles Mumpesson and Sr Francis Mitchell, which would have me enter in a bond of 100<sup>li</sup> to make 10 markes or pounds of gould or silver thred, for the making of whiche I must paye 3<sup>s</sup> 4<sup>d</sup> upon the pound, whether I were able to make itt or no (or sell it when I had made itt), I being a yonge man, having no great meanes to begin my trade, durst not undertake so great a busines, yet notwithstanding, because I would enjoye my trade peaceably, I would have undertaken for so much as I was able to performe, which I could by no meanes obtayne so much favour at their hands, but suffering many threatning words that if I would not be bound I should not worke at all, neyther to make purle nor thread; but at last they granted I should make purle upon condicion to be bound in 100<sup>li</sup> to give up an accompt of every parcell of gould and silver purle I should sell, with the names of them to whome I should sell itt to; that through feare I was forced to condescend to seale the bond for not making any gold thread for this 2 yeares last paste, or selling any stuffe for that use, which hath beene a great hinderance unto me.

JOHN NANFAN.

## 3. THE EXAMINATION OF WILLIAM WHITING. 16<sup>th</sup> MARTII, 1620.

William Whiting, sworne before the right hon<sup>ble</sup> the assemblie of the Upper House of Parliament, deposeth:

That after this deponent was departed from his master Patrickson's service, and had bin a witnes for his said master of his imprisonment, this deponent being with twoe others comitted with their master to prison, the agents or officers of the patentees Jarvais Unwoon and Henry Wood did disturbe this deponent in his worke with contynnall vexacion, insomuch that the deponent, after he had pawned his goods to buy bread for his wife and children, knew not how to live or gett them further maintenance.

The said Jarvis Unwoon told this deponent he would pull this deponent's flesh from his jawes if he wold not be conformable to their wills: that he would also starve the deponent's wife and children and besett his house with 100 halberts;

whereupon this deponent comming downe to them, they charged the constable with this deponent till next commission daie.

This deponent daring not to appeare for feare of further molestacion, they procured the Lo. Cheif Justice <sup>a</sup> his warrante and thereupon brought this deponent before Sir Giles Mompesson, whoe called him a bankrupt and an intermeddler in the King's busines, and that he, this deponent, should goe to Newgate to his companion that rogue Patrickson. To which this deponent answered he was a poore man, and hoped his worship would not send him to prison againe.

Sir Giles Mompesson would then have forced this deponent to sweare to such things as hee, this deponent, could not (as he conceived) in honestie sweare unto; whereupon the said Sir Giles answered there was neither conscience in God nor man, but he this deponent might sweare to accuse his said master.

WILLIAM WHITINGE.

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4. THE EXAMINATION OF MARY FITCH, ELIZABETH COCKRANE, AND JANE NEW. MARCH 16, 1620.

The said Mary Fitch and Eliz. Cockryn being spinners, going in the streetes aboute there busines, one William Ireland and Thomas Norton, officers to the patentees, mett them, and charged them in the Kings Ma<sup>ty</sup> name to goe with them, who thereupon, knowing no offence by them comitted, tould them they knewe no cause why they should so doe, but said Sr Thomas Bennett, Justice, dwelt neere hand, and they would goe before him to see what they could say to them; and against the officer's will gott into Sir Thomas Bennett's howse, where the said officers followed them. The said Mary and Elizabeth tould Sir Thomas how they were used, whereupon hee asked the said officers what they could saye to them, who tould them they were suspitious persons, and Sir Thomas asked if that were all theye could saye, and tould them they might take him upon the like termes, who thereupon peremptorily tould him if they suspected him so they would; upon which speeches Sir Thomas pittying there wrongs willing them to petition to the Kinge for reliefe, and soe would not meddle therewith: after which they, never going with them before any justice or Commissioners, carryed the sayd Mary and Elizabeth and Jane Newe<sup>b</sup> (whoe overtooke them to see what was the matter, perceiving her said M<sup>ty</sup> in the officers' custody) to Fynsbury, where they all laye aboute sixe dayes. Then the said officers, together with two of Fowles his men, tooke them from Fynsbury prison, and tould them theye should goe before a justice, and so carryed them before Sir Allen Apsley and Sir Francis Mitchell, Fowles beinge likewise present, who examyninge the busynes, and, as it should seeme, findinge no colour to comitt the said Mary Fitch, discharged her, and comitted to Newgate the said Elizabeth Cockryn for the refusing

<sup>a</sup> Sir Henry Montague.

<sup>b</sup> Apprentice to Mary Fitch.

to discover upon her oathe whome she wrought unto, and committed to the same place likewise the said Jane Newe for refusing to discover upon her oathe her maister and mistris secretts of trade, where they continued prisoners from the 16th of June, 1618, till the 8th of July followinge.

Compositions made a weeke since.	{	Given by Norton 20s.	{	The marke of × Mary Fitch.
		and a bill for 40s.		The marke of × Eliza: Cockryn.
		Given by Norton 20s.		The marke of × Jane Newe.
		and a bill for 40s.		

5. THE FURTHER EXAMINATION OF ELIZABETH COCKRANE, AND OF ANN MITCHELL HER DAUGHTER. MARCH 16.

And the said Eliz: Cockryn further sayd that shee being a spinster to Fowles, about August 1618, the said Ireland and Norton came to the said Cockrin's howse, and there the door being shutt broke open the same, to resiste which<sup>a</sup> riotuous course the said Eliz: endeavoured to resiste, whereupon they went and fetched a cumstable and searched all her howse, and fynding neyther gold nor silver threed but such as was made for Fowles by his appointment, carryed the same awaye, and carryed with them also Ann Michell to Finsbery prison (never carrying her firste before a justice), where she laye 6 dayes.

The marke of × Eliz: Cockryn.  
The marke of × Ann Mitchell.

6. THE GRIEVANCES OF THE SILKEMEN COMMITTED BY ATTORNEY-GENERAL YELVERTON. AUGUST, 1619.

1. In or aboute August 17<sup>o</sup> Jacobi, Sr Giles Mompesson and Francis Mitchell, nowe Sr Francis, joyned in commission with diverse ho<sup>b</sup>le personages for the furtheraunce of an erected manefacture of gold and silver threed granted 13<sup>o</sup> Ja: to Fowle and others, and taking upon them the execution of the same, did by their warrant command the attendaunce of Richard Herne then sheriffe and alderman of London with divers others to the number of 20 or 30.

2. The parties warned made their appearance, where expecting his Ma<sup>t</sup>s pleasure to be delivered them, and the cause of their attendaunce to be made knowne, they were by the foresaid Commissioners required to enter into a boude of 100<sup>li</sup> to his Ma<sup>t</sup>ie with condition that they should every sixe moneths deliver up a monethly accompte of their severall trades in this commodity to a register by the Com-

<sup>a</sup> "With" in MS.

missioners appoynted, what parcells they bought and of whome, with the parties names to whome they sold the severall quantities.

3. To which the attendants made answer that they were comme in obedience to his Ma<sup>ty</sup> Commissioners warrant, that they endured a long service to obtaine the freedomme which was confirmed and continued by his Majesties gracious charter of the city of London, and which by the auntient and laudable customes thereof had bene conferred upon them, that they were sworne to doo no willing acte to infringe itt, and prayed time to advise whether this bond propounded (being a restraint of trade), if by them entred, were not a breach of their oathe.

4. This answer and request of theirs being rejected, they declare their readinesse in the loyalltie of true subjects to obey whatsoever should appeare to be by his Ma<sup>ty</sup> enjoyned them, and humbly crave a viewe of the patent and Commission, and to be certified by the Commissioners whether the pressure of the bonde were warranted by the patent, his Ma<sup>ty</sup> proclamacion then lately published for the furtherance of the foresaid manufacture, or by the Commission they then satt upon.

To which Sr Giles Mompesson replied: they satt not there to dispute or plead privilegedges, neither would they shewe any; the question was short, and such they expect the answer to bee.

5. Upon the proffer of some present to shewe forth the coppies of the proclamacion and their Commission, Sr Giles willed they should spare their labor: it was true they were not warranted by either, or had other authority from his Ma<sup>ty</sup> to command the bonde, but that for the good of the attendants and so many as this commodity might in their severall trades concerne, they would perswade itt.

6. By warrantie of these perswasive words the Commissioners' intreaty received a denyall.

7. This denyall brought forth from Sr Giles many threatening words: that what they then wanted by warrant, they would comaund and effect by power; that all the prisons about London should be filled, and their should the bodyes of the attendants with thousands more rott, if they continued in the like obstinacy, and yet an heavier hand should followe and be npon them.

8. Within 2 or 3 dayes after, divers of the attendants being men of worth and qualitey, Samnel Paske, and Walter Eldred, the Prince's Hihnes silkmen, William Acton, Jane Grove, and Edmond Page, were by the Commissioners' officer warned before Sr Henry Yelverton, his Ma<sup>ty</sup> late Attorney-Generall, where and by whome (according to Sr Giles his former threats), and in the presence of Sr Edward Villiers and att his or their instance they were committed prisoners to the Fleete, where fowre of them remayned five weeks, without any accusation or conviction, but for their disobeying divers ordinances by his Ma<sup>ty</sup> Commissioners conceived.

9. An hundred thousand pound bond and baile refused, after many fructles petitions by Mr Attorney returned them, and a strong endeavor to have the warrant of the right Hon<sup>ble</sup> the Lord Chancellor layd upon them, att which tyme they were againe threatned by Sr Edward with perpetuall imprisonment, the prisoners com-

These eight allegations above written I know to be true, att the ninth I was not present.

WM. ACTON.

All these allegations except the sixth knownen to be true, and that I doe not well remember.

JAMES GROVE,



mended their suite to the Cittye, and upon the Citties humble petition to his Ma<sup>ty</sup> through his grace and favour they were enlarged.

All this above written we knowe to be true, and were present, and suffered in it.

SAMUELL PASKE, EDMOND PAGE, WALTER ELDRRED.

Delivered in by us the 2<sup>d</sup> of Marche.

#### 7. DECLARATION BY WILLIAM ACTON.

Memorandum, that on the nynthe daye of August, 1619, being Munday, William Acton, silkman, being before S<sup>r</sup> Henry Yelverton, knight, then his Ma<sup>ty</sup>s Attorney-Generall, att his chamber in Grayes Inne, after much conference betweene them, touching the sealing of a bond then tendred to him by the sayd S<sup>r</sup> Henry concerning his trading in gold and silver thred and lace, the sayd S<sup>r</sup> Henry did committ the said William Acton prisoner to the Fleete, because he refused to seale the sayd bond; whereupon he desiring S<sup>r</sup> Henry to expresse the true cause of his committment in his warrant, which was for refusing to seale the said bond, S<sup>r</sup> Henry answered: "You shall not teach me to make my warrants." Then he asking S<sup>r</sup> Henry if he would discharge him if he sealed the sayd bond, S<sup>r</sup> Henry answered: "Yea, I prithec doe it, thou mightest have bene gone an howre agoe if thou wouldest have done it;" whereupon the said William Acton said: "Before this company it appeares you committ me for not sealing this bond, which I cannott performe, and not for the things expressed in the warrant, and therefore use your pleasure;" and then S<sup>r</sup> Henry delivered him and his warrant to Gervase Onion, a messenger, who sayd to the sayd William Acton: "I knowe S<sup>r</sup> Henry will discharge you if you will go backe and seale the bond."

All this was done and spoken in the presence of mee Sam. Walpoole.

W<sup>m</sup> ACTON.

#### 8. THE GRIEVANCES OF THE GOLD FINERS.

Severall bonds injoynd these men and entered by them upon threats with condicion to sell no refined silver to any person other then to suche as were the patenttees, undertakers for the manufacture, or to such persons as should to them appeare to be by the Commissioners licensed under two of the Commissioners' hands, and a weekly accompt of their severall sales to be returned att the patenttees' howse.

Umphrye West-  
wood, Simon  
Owen, John Wol-  
lestone, Robert  
Gynner.

The performance of this condicion must be the forfeiture of their bondes or the desisting of their whole trade, for that the Commissioners gave license to none; and when the danger of the bond was propounded by Gynner, which hee must necessarily forfeit or forbear trade to his undoing, S<sup>r</sup> Giles made answer: What cared hee if forty such perished.

The information  
fyled 27 Jannarii,  
18 Jacobi.

Upon those weekly accompts by bond injoynd, and by them given in, there is grounded an information upon the statute of 4<sup>o</sup> Henr. 7, in the Exchequer, against which they were warrantied by the Commissioners to be safe under his Ma<sup>ty</sup> proclamation.

SIMON OWEN, ROBERT JENNER, JOHN WOLLASTON.

### 9. DECLARATION BY HENRY WOOD.

According unto your honorable directions I have heare set downe to my best remembrance what proceedinges hath beenne in and about the gold and silver bussiness.

That in anno 1616 Thomas Ledsome was comitted to the Marshallsea by the Lord Treasurer that then was,<sup>a</sup> for working and making of gould and silver threed contrary unto his Majesties pattent graunted unto Mathias Fowle and Ritcheard Dike, notwithstanding the saide Ledsome had served his apprenticeship for the same.

Not longe after, Thomas Williams, his father in lawe, was comitted to the gatehouse by the Lord Treasurer that then was, for working in the said manufacture contrary to the pattent, both of them npon complaint made by Ma<sup>r</sup> Fowle.

Preasently after, I was desired by the said Williames to solicit the Lordes of His Majesties Most Honorable Privie Councell for theaire release and dischargde, the which with longe suit I in time effected.

In anno 1618 Robert Patrickson, with his servantes John Mason, William Whighting, and Anthonie Sandes, weare comitted to Newgat by Ma<sup>r</sup> Michell and Ma<sup>r</sup> Tweddy; and Robert More, William Simondes, Hingth Undrill, John Wake-land, and Thomas Ledsome, weare likewise comitted to Newgat for working contrary to his Majesties pattent and proclamation.

Att which time I was intreated by all them that weare ymprisoned to doe what possible I could doe for theire delyverance, which, after great labor and paines, I got them dischargd, without givinge bond or securitie, for which my paines and travaill they gave me two pesses<sup>b</sup> a manne, which money I did dearly earne, for, after they weare dischargd out of prison, Mathias Fowle, makinge his greivances knowne unto His Majestie, and to Sir Henry Yelverton, Attorney General, as I take it, I afterwards goinge with Thomas Ledsome to speake with Ma<sup>r</sup> Attorney, he rebuked me for meddling in the business, saicenge that if I ever came before my Lord Chancelor, if I did not go to the Fleete he would goe for me.

The coppie of which grievance soe made by Mathias Fowle unto His Majestie against me, Henry Wood, hereafter followeth:—

“That some of the Comissioners havinge taken great paines, and had maney and divers mettenges, to find out and examen divers persons, of several kindes, and warrantably comitted them to the gaole by a justifiable mittimus; yet by the inter-

<sup>a</sup> The Earl of Suffolk.

<sup>b</sup> Pieces.

posicion of the Lord Maior and Alldermen sending letters, (theire remembrancer sett on by Wood,) who seeme, either for reward, or mallice to the worke, to bussie themselves overmuch, tenne delinquentes,<sup>a</sup> beeing capitall offenders, weare by order from other the Comissioners delyvered without conformitie or securitie, to the discouragement of the Comissioners that comitted them, to the hartninge of the offenders, and incuragement of dailie and clamorous petitions to bee from time to time adressed to the Lord Maior, to mediat as formerlie for their deliverie, for theare will be no ende of clamor, no time of redresse."

This greivance, with divers others, beeing made knowne unto his Majestie, his Majestie was pleased to signifie by his letters unto my Lord Chancellor, and other the Comissioners, what his will and pleasure was should bee done therein.

And on the 25th of Julley, 1618, the wardens of the companie of goldsmithes, the wyerdrawinges, the finners, and I, weare sent for by a messenger to my Lord Chancellor and other Comissioners, wheare I was first called and examined wherefore I solicited against the agentes; I awnswered I had noe waies offended, unless it weare in petitioninge to his Majestie that his learned Counsell might have the hearinge of the cause, it beeing a trade ussed by the goldsmithes and others longe before the pattent grawnted; it pleased his Majestie to referre the saide cause unto his learned Counsell, but weare stopped from proceeding therein by Ma<sup>r</sup> Attorney Generall; and this was my awnswere then to my Lord Chancellor, that I was never forbidden to the contrary. Then my Lord Chancellor forbade me to meddell no more against his Majesties pattent, and att that time it was ordered that from henceforth I, Henry Wood, the solicitor, shuld not presume to solicit auny of the saide goldsmithes or wyerdrawinges' causes against his Majesties worke, to the disturbance thereof, as by the coppie of the saide order, amongst other things, more plainly will appeare.

Which, after that comandment soe given unto me by my Lord Chancelor, I did neither meddell nor make with none of their busines.

Now, concerninge the complaint of Robert Patrickson against me for givinge of hime money bake againe, may it please your honnors to understand the treuth of the cause. First, this Robert Patrickson was an undertaker, and did goe abroad to search when his turne came, as others did, and was at the seisinge of goodes as others have beane, and afterwarde itt should seeme he was not willinge to paie the seallinge money anny longer, hee gave over undertakinge, and the messenger, with the constable and William Wheller, an<sup>b</sup> undertaker, and my selfe, went to seache<sup>c</sup> his brother's house, wheare hee wrowght, and in cominge in there was strivinge betwene the goodwife and the messenger, the constable beinge preasant, and did her best to hinder his entrance, but in the ende the messenger with much adoe got up the staires to the tope of the howse, with the constable and William Wheller, and all the while I staid belowe, untill such time as I was called up by William

<sup>a</sup> "relinquentes," MS.

<sup>b</sup> "and," MS.

<sup>c</sup> "seache," MS.

Wheller and the messenger, where maney bitter wordes past amongst them, and, as I behaved myselfe, the constable may testifie, doing my best to have all thinges peaceable, for nothinge was taken from hime at that time, soe that the constable did take his word and his frindes word for his appearance before the Comissioners, and since the honnorable parlament beganne hee threatned to indite me, and to bringe accions against me for beeing in the howse, hittinge me in the teth for the money I had of hime soe longe agoe, which was in *anno* 1618, never findinge hime selfe agreived till hee sawe his goodes was seised, and his howse searched, and beinge perswaded by some others in regard of his claimors and trowbles, and that the greatest chardge was his by reason hee had three of his servantes in prison with hime, and beeing, as hee saith, a poore man, I gave hime six powndes of the money bake againe, which I had for helppinge hime and his three servantes owt of prison.

Maye it please your honnors, concerninge the complaint of William Gilley, sillkman, againste me, certefienge yowr honnors that I was a sollicitor for hime, and that also I did busines for Mathias Fowle, wherenpon yowr honnors weare offended with me that I shouldd seeme to deale on both sides togeather, which I assewe yowr honnors I never did, for it is a thinge I ever detested and hated, but trew it is that William Gilley and others weare with me to have me bee their sollicitor, and wee could not agree what I should have for my paines. Then they tooke one Franncis Lake, whoe did their bussines for them, soe that I did neither meddell nor make with them nor against them, touchinge those businesses, untill such time that the wyerdrawinges [were] enjoyed by the Comissioners and Mathias Fowle to worke in their trade, they paienge 3<sup>s</sup> 4<sup>d</sup> upon every marke for the seallinge thereof, and 4<sup>d</sup> upon a marke more towards payment of the officers, which if they had not done soe, they could not have wrought in their trade at all, and this was in the monthes of Aprill and Maye *anno* 1619, soe that from the 25th of July, 1618, to the monthes aforenamed in *anno* 1619, I did not intermeddle with anny thinge.

Hereafter followeth the names of those whoe weare undertakers at the begininge: Thomas Williames, Robert More, William Simons, John Chandler, Joseph Simons, Thomas Ledsome, John Roundle, Eadward Ronndle, John Wakeland, John Eaton, Thomas Heaton, Robert Patrickson, George Binge, William Greene, Mikell Sellers, Anthonie Ellingame, Nicollis Fawssett, William Fludd, Hughh Longworth, Mistress Travaille.

Mathias Fowle undertooke to make weekley and bringe to the sealle 200 marke of sillver thrid a weeke, and paie for the seall, and did chuse for his sollicitor Thomas Norton, who had benne longe time before ymployed in the same busines, allowinge hime thirty powndes *per annum*, and brought in Jarvis Unwone to bee the messenger, allowinge hime 30<sup>li</sup> or 40<sup>li</sup> *per annum*.

Then the undertakers undertooke to make amongst them in all 200 marke of silver thrid a weeke, and chose me, Henry Wood, for their sollicitor, and gave me 30<sup>li</sup> *per annum*, and I was paid by the undertakers out of the groat money onely

one quarter, which, by order of the Comissioners, I was appointed to receave of Master Dike, and never any penny towards my wages of Mathias Fowle.

Then did the Comissioners cause the messenger to warne the undertakers and me to come before them, wheare, amongst other conference, the Comissioners would have them goe with the messenger and the sollicitor abroad to searche for underhand workers, saienge that searchinge was the very sinnewes of the bussines. Then it was ordered by the Comissioners that every weeke wekely too of the undertakers and the sollicitor should goe with the officer, whoe had the warrant, and shoulld searche all underhand workers' howsses, and silkemen's shoppes, and howsses for unscalld sillver and gould thrid, and for sillke to spinne gould and silver uppon.

Now, after triall made in searchinge as aforesaide, some of the undertakers and I thought it to bee to strikt a course, and did forbearre goinge anny more to the silkenmen; soe the Comissioners seeinge soe great neglect in searchinge, caused orders to bee drawne with penallties thereuppon, and further bownd the undertakers in a bond of a hondred poundes a pese to searche that weeke; they shoulld take a sollicitor with them and searche, which ife they did it not they shuld forfeit suche penallties as is set downe in the booke of orders, which coppie of those bookes I, Henry Wood, dellyvered unto the worshipfull Master Hakewell, one of the burgesses of the Lower Howse, and all bondes and a register booke, with the pattents, Comissions, and seizing of milles and other engines, soe that what was donne in searchinge was by vertew of his Majesties proclamacions, and my Lord Chancelor's warrant with the rest of the Comissioners' handes unto the same warrant, and by comandment from the Comissioners.

Maye it therefore please your honnors, that concerninge my goinge abroad with the officer and some of the undertakers I was comanded by the Comissioners to take notice what goodes was seised by Jarvis Unwoone, whereby the Comissioners might justley knowe what was donne, and at every court daye, which was some time every weeke or once a fortnight as their leisure would serve, the officer brought in what seizures he had seized that weke and presented them before the Comissioners, and dellyvered bace those goodes unto Jarvis Unwone, whoe put them into a chest and kept the keye hime selfe, soe that I never medelled with annie of the goodes, and, for owghte I knowe, the officer hath dellyvered all those goodes which he had soe seized bace againe unto the owners thereof by speciall comandment from Sir Gilles Momparsons.

HENRY WOOD.

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#### 10. WARRANT SIGNED BY CHIEF JUSTICE MONTAGUE.

To all constables and all other his Majesties officers to whome it doth appertaine. These are in his Majesties name to will and requier yow to apprehend the bodies of Robert Genner, Olliver Burnewood, John Hill, and Henry his sonne, Ralphe Blechindon, silkeman, and widdowe Pearson, and bringe them before me, or some

other of his Majesties justices of the peace, to awnswere theire severall contemptes against his Majesties proclamacions by underhand workinge in the manifacture of gold and silver threed; whereof yow maye not faile, as yow will awnswere the contrarye at yowr perill. From my howse in Alldersgatt Street, this 13th of July, 1620.

H. MOUNTAGU.

# 11. LETTER OF SIR GILES MOMPESSON TO THE MARQUIS OF BUCKINGHAM.

Thrice honored Lord,

The infinite affliccons I nowe lye under have made me presume beyond my modestie to trouble you with this petition, which comes from a grieved soule, that you would be a meanes to his sacred Ma<sup>ty</sup> to send to the Lower Howse of Parliament that they would drawe upp in wryting the accnsacions made against me, with the parties' names in particuler, and not in generall heads (which I perceive they nowe ayme at), and give them soe to answer, which if I may be so happie to obteyne, if I cleare not my self of all imputacion, as farr as becomes an honest man and a faithfull servant, in his Ma<sup>ty</sup>s censure, lett me endure as great a punishment as ever delinquent did. The reason that inforces me to it is that my name may not be scandalized for the present, nor my posteritie seem in obloquie hereafter, all which doeth fall upon me (without your Lordshipp's prevencion) irreparably, and hath already soe overtired a sick bodie that I protest, before God, I thinke anger hath been the best phisicion to kepe me alive. My Lord, all men's accions are charged upon me: things I never understood are layde to my charge. The finding out howe his Ma<sup>ty</sup> was deceived of his lands by officers, and taking inquisicions of it to recover it (which I was bound to by my promise to your Lo<sup>dy</sup>), is houlden my greatest fault. Any man may accuse me: those that have been found delinquent in any thinge by my meanes come nowe and aske me bouldly whether I will repaire them, if not, they will petition the Parliament. I am never heard, but traduced in generall tearmes, and soe must be soe infamous before I come to my justificacion (which, if they cann avoyde, they will never suffer me to come to), that almost an indifferent partie that doeth converse with the world will have a prejudice to me beforehand. Wherefore, good my Lord, procure me this meanes to avoyde the shame of the world, from which I cann never be quit without it; and I shall with all acknowledgement of duetic continewe

Your Lo<sup>dy</sup>s servant and bedesman,

GILES MOMPESSON.

12. THE BILL AGAINST MONOPOLIES.<sup>a</sup>

An acte concerning<sup>b</sup> monopolyes and dispensacions, with<sup>c</sup> penall lawes, and the forfeitures thereof.

Forasmuche as your most excellent Ma<sup>tie</sup>, in your royall judgment, hathe of your blessed disposicion to the weale and quiet of your subjectes, published in prynt, to the whole realme, and to all posteritye, that all grauntes of monopolyes, and of the benefitt of any penall lawes, or of power to dispenche with the lawe, or to compound for the forfeiture, are contrary to your Ma<sup>ties</sup> lawes, *which your Ma<sup>ties</sup> declaration is truly consonant and agreable to the ancient and fundamentall lawes of this your realme.* And whereas your Ma<sup>tie</sup> was further graciously pleased expressly to comand that no sutor should presume to move your Ma<sup>tie</sup> for matters of that nature, yet,<sup>d</sup> nevertheless, upon misinformation, and false pretences of publique good,<sup>e</sup> manye such grauntes have bene unduely obteigned, to the great grevances and inconvenyence of your Ma<sup>ties</sup> subjectes, contrarye to the lawes of this your realme, and contrary to your Ma<sup>ties</sup> royall and blessed intencions so published as afforesayd; for avoydinge wherof, and preventinge<sup>f</sup> of the like in tyme to come, may it please your most excellent Ma<sup>tie</sup>, at the humble suit of the Lordes spirituall and temporall, and the commons, in this present parlement assembled, that it may be declared and enacted, and *be it<sup>h</sup> declared and enacted*, by authorety of this parlement, that all commissions, grauntes,<sup>i</sup> lycences, charters, and letters pattenentes heretofore made or graunted, or *hereafter* to be made or graunted, *to any person or persons, bodyes politique and corporate whatsoever*, of or for the sole buyinge, sellinge, making, or workinge of any thing within this realme, *or of any other monopolies*, or of power, libertye, or facultye to dispenche with any others, or to geve lycence or tolleracion to doe, use, or exercise anythinge against the tenour or purporte of any lawe or statute, or to geve or make anny warrant for any suche dispensacion, lycence, or tolleracion, to be had or made, or to agree or compound with any others for any penaltye or forfeitures lymitted by any statute, or of any graunt or promise of the benefitt, proffitt, or commodetye, of any forfeiture, penaltye, or some of moneye, that ys or shalbe due by any statute before judgment thereupon had; and all proclamacions, inhibicions, restreintes, and warrantes of assistance of, for, or concernyng them, or any of them, are *and shalbe* utterlye voyd, *as being<sup>k</sup>*

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<sup>a</sup> Interlineations, containing, I presume, the alterations made in Committee, are printed in italics; words erased are given in the footnotes.

<sup>b</sup> against patentees of.

<sup>d</sup> and yet.

<sup>f</sup> preventinge the.

<sup>i</sup> lybertyes, powers, facultyes.

<sup>c</sup> and forfeitures of.

<sup>e</sup> by the importunitye and untrue suggestyons.

<sup>g</sup> that it would please.

<sup>h</sup> it ys.

<sup>k</sup> and.

contrarye to the <sup>a</sup> lawes of this realme, and in noe wise to be put in use or execucion; and be it further declared and enacted by the authoretie *aforesaid* <sup>b</sup> that all suche commissions, grauntes, lycences, <sup>c</sup> charters, letters pntentes, <sup>d</sup> proclamacions, inhibicions, restraintes, and warrantes of assistance, and the force and validetie of everie of them, ought to be and shalbe for ever hereafter examyned, hard, tryed, and determyned by *und according to the common* <sup>e</sup> lawes of this realme, <sup>f</sup> and not *otherwyse*.<sup>g</sup> And be it further enacted by the authoretie aforesayd, that all *person and persons, bodyes politique and corporate whatsoever, which now are, or hercafter shalbe, shall stand, and be* <sup>h</sup> disabled and uncapable to have, use, exercise, or put in use, any suche commission, grant, lycence, <sup>i</sup> charter, *lettres patentes*, <sup>k</sup> *proclamacion, inhibicion, restraynt, or warrant of assistance, or any liberty, power, or facultie, grownded, or pretended to be grownded, upon them, or any of them:* and yf any shall presume to procure or putt in execution <sup>l</sup> any suche graunt, lycence, libertye, charter, letters pntentes, power, facultie, proclamacion, inhibicions, restraynt, or warrant of assistance, or *to do or practise any thing by pretext therof, that then every person and persons so offending shalbe and remayn a person disabled to be in any commission, or beare any office in the commonwealthe; and if any person or persons shall indeavour or attempt to drawe the force or validity of any suche commission, graunt, lycence, libertye, letters pntentes, charter, power, facultie, proclamacion, inhibicions, restraynt, or warrant of assistance, to any other examynacions or hearinge then by* <sup>m</sup> *and according to the common lawes of this realme,* <sup>n</sup> *or by any meanes seek to withdrave the same from such examination, then the sayd person or persons so offending shall incurre and sustaigne the* <sup>o</sup> *paynes, penalties, and forfeitures ordeigned and provided by the statute of provision and premunire made in the sixtente yeare of the raigne of King* <sup>p</sup> *Richard the second:* and be it further enacted by thauthoritie aforesaid, that, if any person or persons shall at any tyme hereafter be hyndred, disquieted, or greved by pretext of any such commission, grant, lycence, power, libertye, facultie, letters patents, proclamacion, inhibition, restraynt, or warrant, and will sue <sup>q</sup> for beeing so hindred, disquieted, or greved against him or them by whom he or they

<sup>a</sup> your Maties.<sup>b</sup> of this present parlement.<sup>c</sup> libertyes.<sup>d</sup> powers, facultyes.<sup>e</sup> by the.<sup>f</sup> in the Kinges courtes of record.<sup>g</sup> elsewhere.<sup>h</sup> the subjectes within this realme that nowe are, or hereafter shalbe, be nowe and hereafter shalbe.<sup>i</sup> libertye.<sup>k</sup> or letters pntentes.<sup>l</sup> or to doe or practise any thinge by pretext of.<sup>m</sup> the.<sup>n</sup> in the courtes of record aforesayd.<sup>o</sup> same.<sup>p</sup> R. 2, and shall alwayes after be and remayne a person disabled to be in any commission, or to beare any office in the commonwealthe.<sup>q</sup> sue against.



shall be so hindred, disquieted, or greved; all and every such person and persons so hindred, disquieted, or greved, shall recover three tymes so much as the damages which he or they sustayned by meanes or occasion of beeing so hindred, disquieted, or greved, and double costs, and in such suits no essoyne, protection, wage of law, ayd prier, priveledg, or injunccion, shall be admitted or allowed: provided, *nevertheless*, that all lettres patents and grants of *priviledge for the terme of 21 years or under*, heretofore made,<sup>a</sup> of the<sup>b</sup> sole working or<sup>c</sup> making of anie manner of *new manufacture* within this realme, to the true and first *inventor*<sup>d</sup> or *inventors* of such manufacture, which others, at the tyme of the making of such lettres patents and grants, did not use,<sup>e</sup> *so they be not contrary to the law, nor mischierous to the State, by raysing prices of commodities at home, or hurt of trade, or otherwyse inconvenient*, shalbe of such force as they wert or should be<sup>f</sup> if this act had not been made, and of none<sup>g</sup> other, and if the same were made for more then one and twentie years, that then the same, for the terme of one and twentie yeares only, to be accompted from the date of the first lettres patents, and grants thereof made, shalbe of such force as they were or should have been if the same had been made, but for the terme of one and twentie yeares only, and as if this act had never been had or made, and of none other: *Provided* also, that all lettres patents and grants of *priviledge for the terme of fourteene yeares or under*, hereafter to be made of the sole working or making of anie manner of *new manufacture* within this realme, to the true and first *inventor* and *inventors* of such manufactures, which others, at the tyme of making such lettres patents and grants, shal not use, so as also they be not contrary to the lawe, nor mischierous to the State, by raising prices of commodities at home, or hurt of trade, or otherwise inconvenient, the said fourteen yeares to be accompted from the date of the first lettres patents, or grant of such *priviledge* hereafter to be made, shalbe of such force as they should be if this act had never been made, and of none other: *Provided* also, that all lettres patents and grants hertofore made and hereafter to be made of the *priviledge* of the sole printing of the Bible or booke of Common Prayer, or anie other booke lawfully *authorized*<sup>h</sup> and allowed, or to be *authorized*<sup>h</sup> or allowed, to be used, in and for the publique divine service and worship of God, or of any books of the common lawes or statuts of this realme, or of anie proclamation sett forth or to be sett forth by his Ma<sup>tie</sup>, his h[e]ir[s], or successors, shalbe also of such force as they were or should be<sup>f</sup> if this act had never been had or made, and of none other: *Provided*<sup>i</sup> also that all lettres patents and grants made

<sup>a</sup> and hereafter to be made<sup>b</sup> priveledge of<sup>c</sup> and<sup>d</sup> intent or invencion<sup>e</sup> for the terme of eleven yeares or under<sup>f</sup> before the making of this acte, or as<sup>g</sup> no<sup>h</sup> prescribed<sup>i</sup> and

or to be made of the priviledge of sole printing of any other booke or books of new and originall edicion, for the terme of xi yeares or under, or for the sole printing of anie such booke or books of second or latter edicion, with glosse or note added therunto, to be printed with the said glosse and notes, for the terme of xi yeares or under, shalbe also of such force as they were or should be if this act had never been had or made, and of none other: Provided also, and it is herby farther intended, declared, and enacted, by the authoritie aforesaid, that this act, or any thing therein contayned, shall not in any wise extend or be prejudiciall to anie grant or priviledge, *power* or *authority* whatsoever hertofore made, granted, allowed, or confirmed, by any act of parlyament now in force, *so long as the same shall so continew in force*, nor to any grant or lettres patents of or for the compounding for digging and making of saltpeter, or for the casting or making of iron ordinance,<sup>a</sup> nor to anie grant or lettres patents concerninge allome or allome mynes, *but that all and every such lettres patents and grants concerning salt petre, iron ordinance, and allom, or allom mynes, shall stand and be of such force as they and every of them are and should be if this act had never been made, and of none other: Provided also that this act shall not extend to any warrant or privy sealle made or directed, or to be made or directed, by his Ma<sup>y</sup>, his h[ei]rs or successors, to the justices of assize, justices of oyer and terminer, and gaole deliverie; justices of the peace, and other justices for the tyme being, haveing power to heare and determine offences donne against anie penall statute to compounde for the forfeiture of anie penall statute depending in suite and question before them, or any of them, respectively, after plea pleaded by the party def<sup>t</sup>: Provided also, and it is herby further intended, declared, and enacted, that this act, or<sup>b</sup> any thing therein contayned shall not in any wise extend or be<sup>c</sup> prejudiciall unto the Cittie of London, or<sup>b</sup> to any other citty, borough, or towne corporate, within this realme, for or concerninge any grant, chartre, or lettres patents, to them or any of them made or granted, or for or concerninge any grant, chartre, or lettres patents, to them or any of them made or granted, or for or concerning any custome or *customes* used by or within them, or any of them, or<sup>b</sup> unto anie incorporacions, companies, or societies of merchants, within this realme, erected for the maintenance, enlargement, or ordering, of any trades or<sup>d</sup> merchandise, butt that the same chartres, customes, incorporacions, companies, fellowshipps, and societies, and their liberties, priviledges, powers, and immunities shalbe and continue of such force and effect as they were before the making of this act, and noe otherwise, anie thing before in this act *contayned* to the contrarie, in anywise, notwithstanding.*

*And whereas your most excellent Ma<sup>tie</sup>, upon a pcticion formerly exhibited in parliament, touching certain lettres patents for licenses to sell wynes granted to*

\* for th'only use of his Ma<sup>tie</sup>, his h[ei]rs, and successors, for the good of the realme and State,

<sup>b</sup> nor

<sup>c</sup> in any wise

<sup>d</sup> of

*the Rt hon<sup>ble</sup> Charles, Earle of Nottingham, late Lord Admirall of England, either alone or with some other person or persons, or to or for his or their use or benefitt, was graciously pleased to give answer that the same should be absolutely layd downe, but that only because the said then Lord Admirall had bin an ancient and good sereant to your Ma<sup>tie</sup> and your predecessor, that those lettres patents should, as by the said answer, made the tenth day of July, in the yeare of our Lord God one thoesand six hundred and ten, appeareth; it is therefore also provided and enacted that this act, or anything therein contayned, shall not extend or be prejudiciall to any grant or lettres patents heretofore made or granted concerning licenses to sell wyne, that the same or every of them, for so long tyme only as is or was lymitted by the lettres patents mencioned in the sayd most gracious answer of your Ma<sup>tie</sup>, shall continew and be of such force and effect as the same now are, and should be if this act had never been had or made, and of none other.*



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